

TO CODIFY WITHOUT SUBSTANTIVE CHANGE LAWS RE-  
LATED TO TRANSPORTATION AND TO IMPROVE THE  
UNITED STATES CODE

—————  
JUNE 25, 1997.—Referred to the House Calendar and ordered to be printed  
—————

Mr. HYDE, from the Committee on the Judiciary, submitted the  
following

REPORT

[To accompany H.R. 1086]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1086) to codify without substantive change laws related to transportation and to improve the United States Code, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

The text of the amendment appears in italic type in the reported bill.

EXPLANATION OF AMENDMENT

Inasmuch as H.R. 1086 was ordered reported with a single amendment in the nature of a substitute, the contents of this report explain that amendment.

STATEMENT

*Purpose.*—The purpose of the bill is to codify without substantive change laws related to transportation and to improve the United State Code. Specifically, the bill will incorporate in title 49, United States Code, which has been enacted into positive law, the provisions of several laws related to transportation that were not included in the codification of title 49. In the restatement, simple language has been substituted for awkward and obsolete terms, and superseded, executed, and obsolete statutes have been eliminated. The Office of the Law Revision Counsel of the House of Representa-

tives has prepared and submitted this bill to the Committee as part of the responsibilities of the Office to provide revisions in titles of the Code that have been enacted into law so that those titles may be kept current.

*Background.*—On July 5, 1994, H.R. 1758, a bill to codify the balance of title 49, United States Code, into positive law, was enacted as Public Law 103–272. Other transportation related laws enacted after June 30, 1993, the cutoff date for Public Law 103–272, were incorporated in title 49 by H.R. 4778, enacted as Public Law 103–429 on October 31, 1994. H.R. 2297, enacted into law as Public Law 104–287 on October 11, 1996, included in title 49 laws previously not codified and made technical changes to the United States Code, including those in title 49 that were necessary because of the enactment of the ICC Termination Act of 1996 (Public Law 104–88, 109 Stat. 809). It also was intended that the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, §§ 6001–6012, 100 Stat. 1783–373, Public Law 99–591, §§ 6001–6012, 100 Stat. 3341–376) be included in H.R. 2297 in order to codify those provisions as part of title 49. However, because of other pending legislation that would affect those provisions, those provisions were not included in H.R. 2297. This bill codifies those provisions and makes other technical and conforming changes.

*Revision notes.*—A revision note has been prepared for each provision of the bill. The revision notes explain the changes made in the source laws. Each note identifies the statutory basis or source of the section and explains significant changes in, and omissions of, language. When practical, word-for-word substitutions of language are identified and explained. Standard changes made throughout the revision to achieve internal consistency are not explained each time they are made. Citations to the United States Code are to title, followed by a colon, and ending with the section number. For example, section 1 of title 1, United States Code, is cited 1:1.

*Standard changes.*—Certain standard changes are made uniformly throughout the provisions of the bill. The most significant are explained in the following paragraphs:

As far as possible, the statute is stated in the present tense and in the active voice. When there is a choice of 2 or more words, otherwise of equal legal effect, the more commonly understood word is used.

The word “shall” is used in the mandatory and imperative sense. The word “may” is used in the permissive and discretionary sense, as “is permitted to” and “is authorized to”. The words “may not” are used in a prohibitory sense, as “is not authorized to” and “is not permitted to”. The words “person may not” mean that no person is required, authorized, or permitted to do the act.

The words “any part of” mean “all or part of” and “in whole or in part”.

The word “includes” means “includes but is not limited to”.

The word “deemed” is used when a legal fiction, or what may in some cases be a legal fiction, is intended. The word “is” is used for statements of fact and legal conclusions.

The first time a descriptive title is used in a section, the complete title is used. Thereafter, in the same section, a shorter title is used unless the context requires the complete title to be used.

For example, “Secretary of State” is used the first time the title appears in a section. Subsequently, in the same section, the title “Secretary” is used.

“United States Government” is substituted for “United States” (when used in referring to the Government), “Federal Government”, and other terms identifying the Government the first time the reference appears in a section. Thereafter, in the same section, “Government” is used unless the context requires the complete term to be used to avoid confusion with other governments.

The word “law” is substituted for “Act” and “joint resolution” for clarity because the word “law” includes Acts and joint resolutions.

The words “under section \_\_\_\_\_” are used instead of “pursuant to section \_\_\_\_\_” and “in accordance with section \_\_\_\_\_”.

The word “such” is not used as a demonstrative adjective. The use of the word “each”, “any”, “every”, or “all” is confined to instances in which a doubt could arise if the word were not used.

Provisos are not used. An exception or limitation is introduced by the words “except that” or “but” or by placing the excepting or limiting provision in a separate sentence.

*Substantive change not made.*—As in other codification bills enacting titles of the United States Code into positive law, this bill makes no substantive change in the law. It is sometimes feared that mere changes in terminology and style will result in changes in substance or impair the precedent value of earlier judicial decisions and other interpretations. This fear might have some weight if this were the usual kind of amendatory legislation in which it can be inferred that a change of language is intended to change substance. In a codification law, however, the courts uphold the contrary presumption: the law is intended to remain substantively unchanged. The following authorities affirm this principle:

*Stewart v. Kahn* (11 Wall. 493, 502 (1871)).

*Smythe v. Fiske* (23 Wall. 374, 382 (1874)).

*McDonald v. Hovey* (110 U.S. 619, 628 (1884)).

*United States v. Ryder* (110 U.S. 729, 740 (1884)).

*United States v. Sischo* (262 U.S. 165, 168 (1923)).

*Fourco Glass Co. v. Transmirra Products Corp.* (353 U.S. 222, 227 (1957)).

*Finley v. United States* (490 U.S. 545, (1989)).

*Trailer Marine Transport Corp. v. Federal Maritime Commission* (D.C. Cir., 602 F. 2d 379, 383 (1979)).

*Atchison, Topeka and Santa Fe Railway Co. v. United States* (7th Cir., 617 F. 2d 485, 490, 491 (1980)).

*Walsh v. Commonwealth* (224 Mass. 239, 112 N.E. 486, 487 (1916)).

*State ex rel. Rankin v. Wilboux County Bank* (85 Mont. 532, 281 Pac. 341, 344 (1929)).

*In re Sullivan’s Estate* (38 Ariz. 387, 300 Pac. 193, 195 (1931)).

*Sigal v. Wise* (114 Conn. 297, 158 Atl. 891, 894 (1932)).

*Martin v. Dyer-Kane Co.* (113 N.J. Eq. 88, 166 Atl. 227, 229 (1933)).

*Norfolk & Portsmouth Bar Ass’n. v. Drewry* (161 Va. 833, 172 S.E. 282, 285 (1934)).

Sutherland, *Statutory Construction* (5th ed., Singer, 1994), secs. 28.10, 28.11.

#### HEARINGS

Because H.R. 1086 is nonsubstantive and involves only technical and conforming changes, the Committee did not hold any hearings on it.

#### COMMITTEE CONSIDERATION

At a meeting of the Committee on the Judiciary on June 18, 1997, a quorum being present, H.R. 1086, as amended, was approved by a voice vote and ordered reported.

#### VOTE OF THE COMMITTEE

During full committee consideration of H.R. 1086, as amended, the Committee took no roll call votes.

#### BUDGET EFFECTS

##### A. STATEMENT REGARDING NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives is inapplicable because H.R. 1086 does not provide new budget authority or an increase in tax expenditures.

##### B. COST ESTIMATE PREPARED BY THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Director of the Congressional Budget Office has submitted the following letter reporting on the bill.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 23, 1997.*

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Office has prepared the enclosed cost estimate for H.R. 1086, a bill to codify without substantive change laws related to transportation and to improve the United States Code.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kristen Layman, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 1086—A bill to codify without substantive change laws related to transportation and to improve the United States Code*

H.R. 1086 would codify, into Title 49 of the United States Code, existing laws related to transportation which were not included in

the codification of Title 49, and would refine awkward language and eliminate obsolete statutes. CBO estimates that enacting the bill would result in no cost to the federal government. Enacting H.R. 1086 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to this legislation. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Kristen Layman, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine for Paul N. Van de Water, Assistant Director for Budget Analysis.

### C. COMMITTEE ESTIMATE ON BUDGETARY EFFECTS

In compliance with clause 7(a) of rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effects on the budget of H.R. 1086, as reported: The Committee agrees with the estimate prepared by the Congressional Budget Office, which is attached.

### OTHER MATTERS TO BE DISCUSSED UNDER THE RULES OF THE HOUSE

#### A. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 2(l)(3)(A) of rule XI and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on the Judiciary's oversight findings and recommendations are incorporated in the descriptive portions of this report.

#### B. COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, because the purpose of H.R. 1086, as amended, is to codify changes in the law without making any substantive change in the law, no oversight findings or recommendations have been received from the Committee on Government Reform and Oversight with respect to the bill.

#### C. CONSTITUTIONAL AUTHORITY STATEMENT

With respect to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee states that the Committee's action in reporting the bill is derived from Article I of the Constitution, Section 8.

### SECTION-BY-SECTION SUMMARY

#### SECTION 1—AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986

This amends section 9503(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(3)) to make a cross-reference more precise and to set out the date of enactment of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 1914).

## SECTION 2—AMENDMENTS TO TITLE 49

## SECTION 2(1) and (2)

These make technical and conforming amendments to the analysis for chapter 5.

## SECTION 2(3)

This amends 49:5108(f) to correct an erroneous cross-reference.

## SECTION 2(4)(A)

This amends 49:5303(c)(1) to correct an erroneous cross-reference.

## SECTION 2(4)(B)

This amends 49:5303(c)(4)(A) to correct an erroneous cross-reference.

## SECTION 2(4)(C)

This amends 49:5303(c)(5)(A) to correct an erroneous cross-reference.

## SECTION 2(5)

This makes a technical and conforming amendment to the analysis for chapter 155.

## SECTION 2(6)

This amends 49:11904(a)(2) to correct a grammatical error.

## SECTION 2(7)

This amends 49:11906 to correct an erroneous cross-reference.

## SECTION 2(8)

This amends 49:13506(a)(5) to correct a grammatical error.

## SECTION 2(9)

This amends 49:13703(a)(2) to correct an erroneous cross-reference.

## SECTION 2(10)

This amends 49:13905(e)(1) to correct a grammatical error.

## SECTION 2(11)

This amends 49:14123(c)(2)(B) to correct a grammatical error.

## SECTION 2(12)

This amends 49:14903(a) to correct a grammatical error.

## SECTION 2(13)

This amends 49:15101(a) to correct a grammatical error.

## SECTION 2(14)

This make a technical and conforming amendment to the analysis for chapter 159.

## SECTION 2(15)

This amends 49:15904(c)(1) to correct an erroneous cross-reference.

## SECTION 2(16)

This amends 49:16101 to redesignate subsection (d) as (c) because no subsection (c) was enacted.

## SECTION 2(17)

This amends item 305 of the analysis of subtitle VI to conform it to the heading of chapter 305.

## SECTION 2(18)(A)

This amends 49:30305(b)(8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104-324, 110 Stat. 3908), to correct an erroneous cross-reference.

## SECTION 2(18)(B)

This amends 49:30305(b) to redesignate paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104-264, 110 Stat. 3262), as paragraph (9), because section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104-324, 110 Stat. 3908), redesignated paragraph (7) as paragraph (8) but did not redesignate paragraph (8) as paragraph (9).

## SECTION 2(19)

This amends 49:32706(c) to correct a cross-reference necessary because of the restatement of subtitle IV of title 49 by the ICC Termination Act (Public Law 104-88, 109 Stat. 803).

## SECTION 2(20)

This makes a conforming amendment in the analysis of subtitle VII of title 49 necessary because of the restatement of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500, 100 Stat. 1783-373, Public Law 99-591, 100 Stat. 3341-376) by section 2(26) of this Act as chapter 491 of title 49.

## SECTION 2(21) and (22)

These amend item 41502 in the chapter analysis for chapter 415 and the catchline for 49:41502 to make a technical and conforming amendment necessary because section 308(l) of the ICC Termination Act.

nation Act (Public Law 104-88, 109 Stat. 948) struck “common” from the text of 49:41502.

#### SECTION 2(23)

This amends 49:41713(b)(4)(B)(ii) to correct a cross-reference necessary because of the restatement of subtitle IV of title 49 by the ICC Termination Act (Public Law 104-88, 109 Stat. 803).

#### SECTION 2(24)

This amends 49:41714(d)(1) to make a conforming cross-reference necessary because of the restatement of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500, 100 Stat. 1783-373, Public Law 99-591, 100 Stat. 3341-376) by section 2(26) of this Act as chapter 491 of title 49.

#### SECTION 2(25)

This amends 49:44936(f)(1)(C) to reflect the redesignation of 49:30305(b)(7) as 49:30305(b)(8) by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104-324, 110 Stat. 3908).

#### SECTION 2(26)

#### SECTION 49101

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49101 .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6002, 100 Stat. 1783-373. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6002, 100 Stat. 3341-376.

In clause (4), the word “authority” is substituted for “agency” for consistency in the revised title and with other titles of the United States Code.

#### SECTION 49102

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49102(a) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6003(a), 100 Stat. 1783-374. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6003(a), 100 Stat. 3341-377.
49102(b) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6003(b), 100 Stat. 1783-374. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6003(b), 100 Stat. 3341-377.

In subsection (b), the words “and conditions” are omitted as being included in “terms”.

#### SECTION 49103

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49103 .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6004, 100 Stat. 1783-374. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6004, 100 Stat. 3341-377.

In this section, the text of section 6004(1) and (5) of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500, 100

Stat. 1783–374, 1783–375, Public Law 99–591, 100 Stat. 3341–378) is omitted as surplus because the complete names of the Administrator of the Federal Aviation Administration and the Secretary of Transportation are used the first time those terms appear in a section.

In clause (1), the words “an organization within the Federal Aviation Administration” are omitted as surplus.

## SECTION 49104

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49104(a) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §§ 6005(a), (d), 6007(d)(last sentence), 100 Stat. 1783–375, 1783–376, 1783–380. Oct. 18, 1986, Pub. L. 99–500, title VI, §§ 6005(c), 100 Stat. 1783–376; Oct. 9, 1996, Pub. L. 104–264, title IX, §902, 110 Stat. 3274. Oct. 30, 1986, Pub. L. 99–591, title VI, §§ 6005(a), (d), 6007(d)(last sentence), 100 Stat. 3341–378, 3341–379, 3341–383. Oct. 30, 1986, Pub. L. 99–591, title VI, §§ 6005(c), 100 Stat. 3341–379; Oct. 9, 1996, Pub. L. 104–264, title IX, §902, 110 Stat. 3274.
49104(b) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6005(b), 100 Stat. 1783–375. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6005(b), 100 Stat. 3341–378.
49104(c) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6005(e), 100 Stat. 1783–378. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6005(e), 100 Stat. 3341–381.
49104(d) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6010, 100 Stat. 1783–385. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6010, 100 Stat. 3341–388.

In subsection (a), before clause (1), the text of section 6005(a) and (d) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, 1783–378, Public Law 99–591, 100 Stat. 3341–378, 3341–381) is omitted as executed. The words “conditions and requirements” are omitted as surplus. In clause (5)(B), the words “(relating to new-technology aircraft)” and “(relating to violations of Federal Aviation Administration regulations as Federal misdemeanors)” are omitted as surplus. In clause (5)(C), the words “after the date the lease takes effect” are omitted as obsolete. In clause (6)(A), the words “(tangible and incorporeal, present and executory)” are omitted as surplus. The words “The Airports Authority must” are substituted for “Before the date the lease takes effect, the Secretary shall also assure that the Airports Authority has agreed to” to eliminate obsolete words. The words “duties and powers” are substituted for “functions” for consistency in the revised title and with other titles of the United States Code. In clause (7), the words “or places” are omitted because of 1:1. The words “books, accounts . . . reports, files, papers” are omitted as being included in “reports”. In clause (8), the words “for purposes of section 49106(d) of this title” are added for clarity. In clause (9), before subclause (A), the words “Notwithstanding any other provision of law” are omitted as surplus. In clause (11), the words “and conditions” are omitted as being included in “terms”.

In subsection (b), the text of section 6005(b)(2) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378) is omitted as executed.

## SECTION 49105

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49105(a) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6006(a), 100 Stat. 1783-378. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6006(a), 100 Stat. 3341-381.
49105(b) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6006(b), 100 Stat. 1783-379. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6006(b), 100 Stat. 3341-382.

## SECTION 49106

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49106(a) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(a), (b), 100 Stat. 1783-379. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(a), (b), 100 Stat. 3341-382.
49106(b) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(c), 100 Stat. 1783-379. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(c), 100 Stat. 3341-382.
49106(c) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(e), 100 Stat. 1783-380; Oct. 9, 1996, Pub. L. 104-264, title IX, § 903, 110 Stat. 3275. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(e), 100 Stat. 3341-383; Oct. 9, 1996, Pub. L. 104-264, title IX, § 903, 110 Stat. 3275.
49106(d) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(d)(1st, 2d sentences), 100 Stat. 1783-379. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(d)(1st, 2d sentences), 100 Stat. 3341-382.
49106(e) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(f), 100 Stat. 1783-382; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(a), 110 Stat. 3276.. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(f), 100 Stat. 3341-385; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(a), 110 Stat. 3276.
49106(f) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(h), 100 Stat. 1783-382; Dec. 18, 1991, Pub. L. 102-240, title VII, § 7002(e), 105 Stat. 2200; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(b), 110 Stat. 3276.. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(h), 100 Stat. 3341-385; Dec. 18, 1991, Pub. L. 102-240, title VII, § 7002(e), 105 Stat. 2200; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(b), 110 Stat. 3276..
49106(g) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(g), as added Dec. 18, 1991, Pub. L. 102-240, title VII, § 7002(h), 105 Stat. 2202; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(a), 110 Stat. 3276. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(g), as added Dec. 18, 1991, Pub. L. 102-240, title VII, § 7002(h), 105 Stat. 2202; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(a), 110 Stat. 3276.

In subsection (b)(2)(A), the words “Virginia, the District of Columbia” are substituted for “either jurisdiction” for clarity.

In subsection (c)(6)(C), the words “the limitations described in” are omitted as unnecessary. The word “until” is substituted for “for the period beginning on October 1, 1997, and ending on the first day on which” to eliminate unnecessary words.

In subsection (d), the words “The Airports Authority shall be subject to a conflict-of-interest provision providing that” are omitted as surplus.

In subsection (g), the words “Committee on Transportation and Infrastructure” are substituted for “Committee on Public Works and Transportation” because of the amendment of clause 1(q) of Rule X of the Rules of the House of Representatives by section 202(a) of H. Res. 6, approved January 4, 1995.

## SECTION 49107

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49107(a) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6008(a)-(d), (f), 100 Stat. 1783-382, 1783-383. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6008(a)-(d), (f), 100 Stat. 3341-385, 3341-387.
49107(b) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6008(e), 100 Stat. 1783-383. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6008(e), 100 Stat. 3341-386.
49107(c) .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6008(g), 100 Stat. 1783-384. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6008(g), 100 Stat. 3341-387.

In subsection (a)(1), the text of section 6008(a), (b)(2d and last sentences), (c), (d), and (f) of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500, 100 Stat. 1783-382, 1783-383, Public Law 99-591, 100 Stat. 3341-385, 3341-386, 3341-387) is omitted as obsolete.

In subsection (c), the words “duty or power” are substituted for “functions” for consistency in the revised title and with other titles of the United States Code.

## SECTION 49108

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49108 .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(i), as added Oct. 9, 1996, Pub. L. 104-264, title IX, §905, 110 Stat. 3276. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(i), as added Oct. 9, 1996, Pub. L. 104-264, title IX, §905, 110 Stat. 3276.

## SECTION 49109

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49109 .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6012, 100 Stat. 1783-385. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6012, 100 Stat. 3341-388.

## SECTION 49110

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49110 .....	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6013, as added Oct. 9, 1996, Pub. L. 104-264, title IX, §906, 110 Stat. 3277. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6013, as added Oct. 9, 1996, Pub. L. 104-264, title IX, §906, 110 Stat. 3277.

The words “Except as provided by subsection (b)” and “the requirements of” are omitted as unnecessary.

## SECTION 49111

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49111(a) .....	(unclassified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6009(a), 100 Stat. 1783-384.
49111(b) .....	(unclassified).	Oct. 30, 1986, Pub. L. 99-591, title VI, § 6009(a), 100 Stat. 3341-387.
49111(c) .....	(unclassified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6009(b), 100 Stat. 1783-384; Oct. 9, 1996, Pub. L. 104-264, title IX, §904(c)(1), 110 Stat. 3276.
49111(d) .....	(unclassified).	Oct. 30, 1986, Pub. L. 99-591, title VI, § 6009(b), 100 Stat. 3341-387; Oct. 9, 1996, Pub. L. 104-264, title IX, §904(c)(1), 110 Stat. 3276.
49111(e) .....	(unclassified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6009(c), 100 Stat. 1783-384.
		Oct. 30, 1986, Pub. L. 99-591, title VI, § 6009(c), 100 Stat. 3341-387.
		Oct. 18, 1986, Pub. L. 99-500, title VI, § 6009(d), 100 Stat. 1783-384.
		Oct. 30, 1986, Pub. L. 99-591, title VI, § 6009(d), 100 Stat. 3341-387.
		Oct. 18, 1986, Pub. L. 99-500, title VI, § 6009(e), 100 Stat. 1783-384.
		Oct. 30, 1986, Pub. L. 99-591, title VI, § 6009(e), 100 Stat. 3341-388.

In subsection (a)(1), the word “deemed” is substituted for “considered” for consistency in the revised title and with other titles of the United States Code.

In subsection (e), the text of section 6009(e)(2) of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500, 100 Stat. 1783-385, Public Law 99-591, 100 Stat. 3341-388) is omitted as executed.

## SECTION 49112

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49112(a) .....	(unclassified).	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6011, 100 Stat. 1783-385; Oct. 9, 1996, Pub. L. 104-264, title IX, §904(c)(2), 110 Stat. 3276.
49112(b)(1) .....	(unclassified)	Oct. 30, 1986, Pub. L. 99-591, title VI, § 6011, 100 Stat. 3341-388; Oct. 9, 1996, Pub. L. 104-264, title IX, §904(c)(2), 110 Stat. 3276.
49112(b)(2) .....	(unclassified)	Oct. 18, 1986, Pub. L. 99-500, title VI, § 6014, as added Oct. 9, 1996, Pub. L. 104-264, title IX, §907, 110 Stat. 3277.
		Oct. 30, 1986, Pub. L. 99-591, title VI, § 6014, as added Oct. 9, 1996, Pub. L. 104-264, title IX, §907, 110 Stat. 3277.
		Oct. 9, 1996, Pub. L. 104-264, title IX, §904(d), 110 Stat. 3276.

In subsection (a), the word “thereby” is omitted as surplus.

In subsection (b)(1), the words “the limitations described in” are omitted as unnecessary.

## SECTION 3—TECHNICAL CHANGES TO OTHER LAWS

Section 3(a) amends section 333(a)(1) and (2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104-50, 109 Stat. 457), as of the effective date of that Act, to enable section 333(a)(1) and (2) to be executed correctly.

Section 3(b) amends section 2(c) of the Anti-Car Theft Improvements Act of 1996 (Public Law 104-152, 110 Stat. 1384), as of the effective date of that Act, to correct a cross-reference.

Section 3(c)(1)(A) amends section 123(b)(6) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104-264, 110 Stat.

3219), as of the effective date of that Act, to accomplish the intent of section 124(d) of that Act (110 Stat. 3220).

Section 3(c)(1)(B) amends section 123 of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3219), as of the effective date of that Act, to make a conforming amendment in 49:47117(e)(1)(A) that is necessary because of the redesignation of 49:47504(c)(1)(C) and (D) as 49:47504(c)(2)(C) and (D) by section 6(71)(C) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4387).

Section 3(c)(2) repeals section 124(d) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3220), as of the effective date of that Act, because section 124(d) cannot be executed because of the prior amendment of 49:47117(e)(1)(B) by section 123(b)(6) of that Act (110 Stat. 3219).

Section 3(c)(3) amends section 276 of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3247), as of the effective date of that Act, to make a conforming amendment in 49:106(g)(1)(A) that is necessary because of the redesignation of 49:45303 as 49:45304 and the addition of a new 49:45303.

Section 3(c)(4) repeals sections 502(c) and 1220(b) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3263, 3286), as of the effective date of that Act, to enable section 5(77)(A), (B), (E), and (F) of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3396, 3397) to be executed correctly. The result of the amendments made by section 5(77)(A), (B), (E), and (F) carries out the intent of the amendments made by sections 502(c) and 1220(b). Therefore, the repeal of sections 502(c) and 1220(b) will have no effect on the state of the law.

Section 3(d)(1)(A) amends section 5(45)(A) of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3393), as of the effective date of that Act, to enable section 5(45)(A) to be executed correctly.

Section 3(d)(1)(B) amends section 5(69) of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3395), as of the effective date of that Act, to enable section 5(69) to be executed correctly.

Section 3(d)(1)(C) repeals section 5(76) of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3396), as of the effective date of that Act, because section 273(a) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3239) amended 49:45301, thereby making section 5(76) unnecessary.

Section 3(d)(1)(D) amends section 5(79) of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3397), to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1231), as amended by section 5(79).

Section 3(d)(1)(E) repeals section 5(84) of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3397), as of the effective date of that Act, because section 147(c)(1)(C) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3223) amended 49:47128, thereby making section 5(84) unnecessary.

Section 3(d)(2)(A) amends section 8(1) of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3400), as of the effective date of that Act, to enable 49:46316(b) to be stated correctly as of the effective date of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1231).

Section 3(d)(2)(B) amends section 8 of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3400), as of the effective date of that Act, by restating paragraph (2) to establish an effective date of September 30, 1998, for the amendments made by section 5(81)(B), (82)(A), and (83)(A) of that Act. Section 5(81)(B), (82)(A), and (83)(A) make technical and conforming amendments to 49:47115, 47117, and 47118. However, those sections previously were amended by sections 122-124 of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3218) which meant that the amendments made by Public Law 104–287 were unnecessary. However, the amendments made by Public Law 104–264 are temporary and expire on September 30, 1998, at which time 49:47115, 47117, and 47118 will read as if the amendments had not been enacted, thereby making the amendments made by Public Law 104–287 necessary as of that date.

Section 3(e) amends the General Aviation Reauthorization Act of 1994 (Public Law 103–298, 108 Stat. 1552) to correct cross-references necessary because of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1231).

Section 3(f) provides that the amendments made by subsections (a)–(d) of this section are to be treated as if included in the provisions of the acts to which the amendments relate.

#### SECTION 4—LEGISLATIVE PURPOSE AND CONSTRUCTION

Section 4 of the bill contains a statement of the legislative effect in enacting the bill, savings provisions, and provisions to assist in interpreting and applying the provisions of law enacted by the bill.

#### SECTION 5—REPEAL OF OTHER LAWS

Section 5 of the bill relates to the repeal of those statutes that are codified and reenacted by the bill, and other statutes that are executed, superseded, obsolete, or otherwise of no present legal effect.

Subsection (a) provides that a repeal of a law may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

Subsection (b) contains the schedule of laws to be repealed. It also preserves rights, duties, and penalties incurred, and proceedings begun, before the date of enactment of the bill.

#### CHANGES IN EXISTING LAW MADE BY THE BILL

As required by clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown below. Existing law proposed to be omitted is enclosed in bold brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman.

SECTION 1. AMENDMENT TO TITLE 26, INTERNAL REVENUE CODE OF  
1986**§ 9503. Highway Trust Fund**

\* \* \*

## (e) Establishment of Mass Transit Account

\* \* \*

## (3) Expenditures from Account

Amounts in the Mass Transit Account shall be available, as provided by appropriation Acts, for making capital or capital-related expenditures before October 1, 1997 (including capital expenditures for new projects) in accordance with—

(A) section 5338(a)(1) or (b)(1) of title 49, or

(B) the Intermodal Surface Transportation Efficiency Act of 1991,

as [such Acts are in effect on the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991] *section 5338(a)(1) or (b)(1) and the Intermodal Surface Transportation Efficiency Act of 1991 were in effect on December 18, 1991.*

## SECTION 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE

**CHAPTER 5—SPECIAL AUTHORITY**

## SUBCHAPTER I—[DUTIES AND] POWERS

\* \* \*

## SUBCHAPTER I—[AND] POWERS

\* \* \*

**§ 5108. Registration**

\* \* \*

(f) AVAILABILITY OF STATEMENTS.—The Secretary of Transportation shall make a registration statement filed under subsection (a) of this section available for inspection by any person for a fee the Secretary establishes. However, this subsection does not require the release of information described in section [552(f)] *552(b)* of title 5 or otherwise protected by law from disclosure to the public.

\* \* \*

**§ 5303. Metropolitan planning**

\* \* \*

(c) DESIGNATING METROPOLITAN PLANNING ORGANIZATIONS.—(1) To carry out the planning process required by this section *and sections 5304-5306 of this title*, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000—

\* \* \*

- (4) A designation is effective until—
  - (A) the organization is redesignated under paragraph [(3)]
  - (5) of this subsection; or

\* \* \*

(5)(A) The chief executive officer and units of general local government representing at least 75 percent of the affected population (including the central city as defined by the Secretary of Transportation) may redesignate by agreement a metropolitan planning organization when appropriate to carry out this section *and sections 5304-5306 of this title*.

\* \* \*

## SUBTITLE IV—INTERSTATE TRANSPORTATION

\* \* \*

### PART C—PIPELINE CARRIERS

CHAPTER	Sec.
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\* \* \*

155. RATES [AND TARIFFS] .....	15501
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\* \* \*

#### § 11904. Unlawful disclosure of information

(a) A—

\* \* \*

(2) [a] person who solicits or knowingly receives, information described in subsection (b) without the consent of the shipper or consignee shall be fined not more than \$1,000.

\* \* \*

#### § 11906. General criminal penalty when specific penalty not provided

When another criminal penalty is not provided under this chapter, a rail carrier providing transportation subject to the jurisdiction of the Board under this part, and when that rail carrier is a corporation, a director or officer of the corporation, or a receiver, trustee, lessee, or person acting for or employed by the corporation that, alone or with another person, willfully violates this part or an order prescribed under this part, shall be fined not more than \$5,000. The person may be imprisoned for not more than 2 years in addition to being fined under this section. A separate violation occurs each day a violation of this [title] part continues.

\* \* \*

**§ 13506. Miscellaneous motor carrier transportation exemptions**

(a) IN GENERAL.—Neither the Secretary nor the Board has jurisdiction under this part over—

\* \* \*

(5) a motor vehicle controlled and operated by a cooperative association (as defined by section 15(a) of the Agricultural Marketing Act (12 U.S.C. [1141j(a)] 1141j(a))) or by a federation of cooperative associations if the federation has no greater power or purposes than a cooperative association, except that if the cooperative association or federation provides transportation for compensation between a place in a State and a place in another State, or between a place in a State and another place in the same State through another State—

\* \* \*

**§ 13703. Certain collective activities; exemption from anti-trust laws**

(a) AGREEMENTS.—

\* \* \*

(2) SUBMISSION OF AGREEMENT TO BOARD; APPROVAL.—An agreement entered into under [subsection (a)] *paragraph (1)* may be submitted by any carrier or carriers that are parties to such agreement to the Board for approval and may be approved by the Board only if it finds that such agreement is in the public interest.

\* \* \*

**§ 13905. Effective periods of registration**

\* \* \*

(e) EXPEDITED PROCEDURE.—

(1) PROTECTION OF SAFETY.—Without regard to subchapter II of chapter 5 of title 5, the Secretary may suspend the registration of a motor carrier, a freight forwarder, or a broker for failure to comply with safety requirements of the Secretary or the safety fitness requirements pursuant to section 13904(c), 13906, or [31144,] 31144 of this title, or an order or regulation of the Secretary prescribed under those sections.

\* \* \*

**§ 14123. Financial reporting**

\* \* \*

(c) EXEMPTIONS.—

\* \* \*

(2) FROM PUBLIC RELEASE.—

\* \* \*

(B) PROCEDURE.—After a request under subparagraph (A) and notice and opportunity for comment but *in* no event later than 90 days after the date of such request, the Secretary shall approve such request if the Secretary finds that the exemption requested is necessary to avoid competitive harm and to avoid the disclosure of information that qualifies as a trade secret or privileged or confidential information under section 552(b)(4) of title 5.

\* \* \*

**§ 14903. Tariff violations**

(a) CIVIL PENALTY FOR UNDERCHARGING AND OVERCHARGING.—A person that offers, grants, gives, solicits, accepts, or receives by any means transportation or service provided for property by a carrier subject to jurisdiction under chapter 135 at a rate different than the rate in effect under section 13702 is liable to the United States for a civil penalty of not more than \$100,000 for each violation.

\* \* \*

**§ 15101. Transportation policy**

(a) IN GENERAL.—To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States, including the national defense, it is the policy of the United States Government to oversee [of] the modes of transportation and in overseeing those modes—

\* \* \*

**CHAPTER 159—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES**

Sec.

\* \* \*

15904. Rights and remedies of persons injured by [certain] pipeline carriers.

\* \* \*

**§ 15904. Rights and remedies of persons injured by pipeline carriers**

\* \* \*

(c) COMPLAINTS.—

(1) FILING.—A person may file a complaint with the Board under section [11501(b)] 15901(b) or bring a civil action under subsection (b) to enforce liability against a pipeline carrier providing transportation subject to this part.

\* \* \*

**§ 16101. General civil penalties**

\* \* \*

**[(d)] (c) VENUE.**—Trial in a civil action under this section is in the judicial district in which the carrier has its principal operating office.

\* \* \*

**SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS**

PART A—GENERAL

CHAPTER

Sec.

\* \* \*

305. **[NATIONAL AUTOMOBILE TITLE INFORMATION SYSTEM] NA-**  
**TIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM** ..... 30501

\* \* \*

**§ 30305. Access to Register Information**

\* \* \*

(b) **REQUESTS TO OBTAIN INFORMATION.**—(1) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Aviation Administration may request the chief licensing official of a State to obtain information under subsection (a) of this section about an individual who is the subject of an accident investigation conducted by the Board or the Administrator. The Chairman and the Administrator may receive the information.

\* \* \*

(8) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under **[paragraph (2)] subsection (a) of this section** to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.

**[(8)] (9)** A request under this subsection shall be made in the form and way the Secretary of Transportation prescribes by regulation.

\* \* \*

**§ 32706. Inspections, investigations, and records**

\* \* \*

(c) REASONABLE COMPENSATION.—When the Secretary impounds for inspection a motor vehicle (except a motor vehicle subject to [subchapter II of chapter 105] *subchapter I of chapter 135* of this title) or motor vehicle equipment under subsection (b)(1)(D) of this section, the Secretary shall pay reasonable compensation to the owner of the vehicle or equipment if the inspection or impoundment results in denial of use, or in reduction in value, of the vehicle or equipment.

\* \* \*

**SUBTITLE VII—AVIATION PROGRAMS**

PART A—AIR COMMERCE AND SAFETY

CHAPTER

Sec.

\* \* \*

**[PART D—RESERVED]**

*PART D—PUBLIC AIRPORTS*

491. METROPOLITAN WASHINGTON AIRPORTS ..... 49101

\* \* \*

**CHAPTER 415—PRICING**

Sec.

\* \* \*

41502. Establishing joint prices for through routes with other [common] carriers.

\* \* \*

**§ 41502. Establishing joint prices for through routes with other [common] carriers**

\* \* \*

**§ 41713. Preemption of authority over prices, routes, and service**

\* \* \*

(b) PREEMPTION.—(1) Except as provided in this subsection, a State, political subdivision of a State, or political authority of at least 2 States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a price, route, or service of an air carrier that may provide air transportation under this subpart.

\* \* \*

(4) TRANSPORTATION BY AIR CARRIER OR CARRIER AFFILIATED WITH A DIRECT AIR CARRIER.—

\* \* \*

(B) MATTERS NOT COVERED.—Subparagraph (A)—

\* \* \*

(ii) does not apply to the transportation of household goods, as defined in section [10102] 13102 of this title.

\* \* \*

**§ 41714. Availability of slots**

\* \* \*

(d) SPECIAL RULES FOR WASHINGTON NATIONAL AIRPORT.—

(1) IN GENERAL.—Notwithstanding sections [6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986] 49104(a)(5) and 49111(e) of this title, or any provision of this section, the Secretary may, only under circumstances determined by the Secretary to be exceptional, grant by order to an air carrier currently holding or operating a slot at Washington National Airport an exemption from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at Washington National Airport), to enable that carrier to provide air transportation with Stage 3 aircraft at Washington National Airport; except that such exemption shall not—

\* \* \*

**§ 44936. Employment investigations and restrictions**

\* \* \*

(f) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

(1) IN GENERAL.—Before hiring an individual as a pilot, an air carrier shall request and receive the following information:

\* \* \*

(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section [30305(b)(7)] 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

**Oct. 18, 1986, Pub. L. 99-500, §§ 6001-6014, 100 Stat. 1783-373,  
Oct. 30, 1986, Pub. L. 99-591, §§ 6001-6012, 100 Stat.  
3341-376.**

**[TITLE VI—METROPOLITAN WASHINGTON AIRPORTS**

**SEC. 6001. SHORT TITLE.**

This title may be cited as the “Metropolitan Washington Airports Act of 1986”.

**SEC. 6002. FINDINGS.**

The Congress finds that—

(1) the two federally owned airports in the metropolitan area of Washington, District of Columbia, constitute an important and growing part of the commerce, transportation, and economic patterns of the Commonwealth of Virginia, the District of Columbia, and the surrounding region;

(2) Baltimore/Washington International Airport, owned and operated by the State of Maryland, is an air transportation facility that provides service to the greater Metropolitan Washington region together with the two federally owned airports, and timely Federal-aid grants to Baltimore/Washington International Airport will provide additional capacity to meet the growing air traffic needs and to compete with other airports on a fair basis;

(3) the Federal Government has a continuing but limited interest in the operation of the two federally owned airports, which serve the travel and cargo needs of the entire Metropolitan Washington region as well as the District of Columbia as the national seat of government;

(4) operation of the Metropolitan Washington Airports by an independent local agency will facilitate timely improvements at both airports to meet the growing demand of interstate air transportation occasioned by the Airline Deregulation Act of 1978 (Public Law 95-504; 92 Stat. 1705);

(5) all other major air carrier airports in the United States are operated by public entities at the State, regional, or local level;

(6) any change in status of the two airports must take into account the interest of nearby communities, the traveling public, air carriers, general aviation, airport employees, and other interested groups, as well as the interests of the Federal Government and State governments involved;

(7) in recognition of a perceived limited need for a Federal role in the management of these airports and the growing local interest, the Secretary has recommended a transfer of authority from the Federal to the local/State level that is consistent with the management of major airports elsewhere in the Nation;

(8) an operating authority with representation from local jurisdictions, similar to authorities at all major airports in the United States, will improve communications with local officials

and concerned residents regarding noise at the Metropolitan Washington Airports;

(9) a commission of congressional, State, and local officials and aviation representatives has recommended to the Secretary that transfer of the federally owned airports be as a unit to an independent authority to be created by the Commonwealth of Virginia and the District of Columbia; and

(10) the Federal interest in these airports can be provided through a lease mechanism which provides for local control and operation.

#### **SEC. 6003. PURPOSE.**

(a) **IN GENERAL.**—It is therefore declared to be the purpose of the Congress in this title to authorize the transfer of operating responsibility under long-term lease of the two Metropolitan Washington Airport properties as a unit, including access highways and other related facilities, to a properly constituted independent airport authority created by the Commonwealth of Virginia and the District of Columbia, in order to achieve local control, management, operation, and development of these important transportation assets.

(b) **INCLUSION OF BWI NOT PRECLUDED.**—Nothing in this title shall be construed to prohibit the Airports Authority and the State of Maryland from entering into an agreement whereby Baltimore/Washington International Airport may be made part of a regional airports authority, subject to terms and conditions agreed to by the Airports Authority, the Secretary, the Commonwealth of Virginia, the District of Columbia, and the State of Maryland.

#### **SEC. 6004. DEFINITIONS.**

In this title—

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Aviation Administration.

(2) **AIRPORTS AUTHORITY.**—The term “Airports Authority” means the Metropolitan Washington Airports Authority, a public body to be created by the Commonwealth of Virginia and the District of Columbia consistent with the requirements of section 6007.

(3) **EMPLOYEES.**—The term “employees” means all permanent Federal Aviation Administration personnel employed on the date the lease under section 6005 takes effect by the Metropolitan Washington Airports, an organization within the Federal Aviation Administration.

(4) **METROPOLITAN WASHINGTON AIRPORTS.**—The term “Metropolitan Washington Airports” means Washington National Airport and Washington Dulles International Airport.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(6) **WASHINGTON DULLES INTERNATIONAL AIRPORT.**—The term “Washington Dulles International Airport” means the airport constructed under the Act entitled “An Act to authorize the construction, protection, operation, and maintenance of a public airport on or in the vicinity of the District of Columbia”, approved September 7, 1950 (64 Stat. 770), and includes the Dul-

les Airport Access Highway and Right-of-way, including the extension between the Interstate Routes I-495 and I-66.

(7) WASHINGTON NATIONAL AIRPORT.—The term “Washington National Airport” means the airport described in the Act entitled “An Act to provide for the administration of the Washington National Airport, and for other purposes”, approved June 29, 1940 (54 Stat. 686).

**SEC. 6005. LEASE OF METROPOLITAN WASHINGTON AIRPORTS.**

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary is authorized to enter into a lease of the Metropolitan Washington Airports with the Airports Authority for a 50-year term and to enter into any related agreement necessary for the transfer of authority and property to the Airports Authority. Authority to enter into a lease and agreement under this section shall lapse two years after the date of enactment of this title.

(b) PAYMENTS.—

(1) LEASE PAYMENTS.—The lease shall provide for the Airports Authority to pay to the general fund of the Treasury annually an amount, computed using the GNP Price Deflator, to equal \$3,000,000 in 1987 dollars. The Secretary and the Airports Authority may renegotiate the level of lease payments attributable to inflation costs every ten years.

(2) RETIREMENT OBLIGATIONS.—

(A) DISCONTINUED SERVICE.—Not later than one year after the lease takes effect, the Airports Authority shall pay to the Treasury of the United States, to be deposited to the credit of the Civil Service Retirement and Disability Fund, an amount determined by the Office of Personnel Management to represent the actual added costs incurred by the Fund due to discontinued service retirement under section 8336(d)(1) of title 5, United States Code, of employees who elect not to transfer to the Airports Authority.

(B) UNFUNDED LIABILITY.—Not later than one year after the lease takes effect, the Airports Authority shall pay to the Treasury of the United States, to be deposited to the credit of the Civil Service Retirement and Disability Fund, an amount determined by the Office of Personnel Management to represent the present value of the difference between (i) the future cost of benefits payable from the Fund and due the employees covered under section 6008(e) that are attributable to the period of employment following the date the lease takes effect, and (ii) the contributions made by the employees and the Airports Authority under section 6008(e). In determining the amount due, the Office of Personnel Management shall take into consideration the actual interest such amount can be expected to earn when invested in the Treasury of the United States.

(c) MINIMUM TERMS AND CONDITIONS.—The Airports Authority shall agree, at a minimum, to the following conditions and requirements in the lease:

(1) OPERATION OF AIRPORTS AS A UNIT.—The Airports Authority shall operate, maintain, protect, promote, and develop the

Metropolitan Washington Airports as a unit and as primary airports serving the Metropolitan Washington area.

(2) AIRPORT PURPOSES.—The real property constituting the Metropolitan Washington Airports shall, during the period of the lease, be used only for airport purposes. For the purposes of this paragraph, the term “airport purposes” means a use of property interests (other than a sale) for aviation business or activities, or for activities necessary or appropriate to serve passengers or cargo in air commerce, or for nonprofit, public use facilities which are not inconsistent with the needs of aviation. If the Secretary determines that any portion of the real property leased to the Airports Authority pursuant to this Act is used for other than airport purposes, the Secretary shall (A) direct that appropriate measures be taken by the Airports Authority to bring the use of such portion of real property in conformity with airport purposes, and (B) retake possession of such portion of real property if the Airports Authority fails to bring the use of such portion into a conforming use within a reasonable period of time, as determined by the Secretary.

(3) AIP REQUIREMENTS.—The Airports Authority shall be subject to the requirements of section 511(a) of the Airport and Airway Improvement Act of 1982 and the assurances and conditions required of grant recipients under such Act as of the date the lease takes effect. Notwithstanding section 511(a)(12) of such Act, all revenues generated by the Metropolitan Washington Airports shall be expended for the capital and operating costs of such airports.

(4) CONTRACTS.—In acquiring by contract supplies or services for an amount estimated to be in excess of \$200,000, or awarding concession contracts, the Airports Authority shall obtain, to the maximum extent practicable, full and open competition through the use of published competitive procedures. By a vote of seven members, the Airports Authority may grant exceptions to the requirements of this paragraph.

(5) CONTINUATION OF REGULATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), all regulations of the Metropolitan Washington Airports (14 C.F.R. part 159) shall become regulations of the Airports Authority on the date the lease takes effect and shall remain in effect until modified or revoked by the Airports Authority in accordance with procedures of the Airports Authority.

(B) EXCEPTIONS.—The following regulations shall cease to be in effect on the date the lease takes effect:

(i) section 159.59(a) of title 14, Code of Federal Regulations (relating to new-technology aircraft); and

(ii) section 159.191 of title 14, Code of Federal Regulations (relating to violations of Federal Aviation Administration regulations as Federal misdemeanors).

(C) OPERATIONS.—The Airports Authority may not increase or decrease the number of instrument flight rule takeoffs and landings authorized by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on the date of the enactment of this Act, and may not im-

pose a limitation after the date the lease takes effect on the number of passengers taking off or landing at Washington National Airport.

(6) TRANSFER OF RIGHTS, LIABILITIES, AND OBLIGATIONS.—

(A) IN GENERAL.—Except as specified in subparagraph (B) of this paragraph, the Airports Authority shall assume all rights, liabilities, and obligations (tangible and incorporeal, present and executory) of the Metropolitan Washington Airports on the date the lease takes effect, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, and litigation relating to such rights and obligations, regardless whether judgment has been entered, damages awarded, or appeal taken. Before the date the lease takes effect, the Secretary shall also assure that the Airports Authority has agreed to cooperate in allowing representatives of the Attorney General and the Secretary adequate access to employees and records when needed for the performance of functions related to the period before the effectiveness of the lease. The Airports Authority shall assume responsibility for the Federal Aviation Administration's Master Plans for the Metropolitan Washington Airports.

(B) EXCEPTIONS.—The procedure for disputes resolution contained in any contract entered into on behalf of the United States before the date the lease takes effect shall continue to govern the performance of the contract unless otherwise agreed to by the parties to the contract. Claims for monetary damages founded in tort, by or against the United States as the owner and operator of the Metropolitan Washington Airports, arising before the date the lease takes effect shall be adjudicated as if the lease had not been entered into.

(C) PAYMENTS INTO EMPLOYEES' COMPENSATION FUND.—The Federal Aviation Administration shall remain responsible for reimbursing the Employees' Compensation Fund, pursuant to section 8147 of title 5, United States Code, for compensation paid or payable after the date the lease takes effect in accordance with chapter 81 of title 5, United States Code, with regard to any injury, disability, or death due to events arising before such date, whether or not a claim has been filed or is final on such date.

(D) COLLECTIVE BARGAINING RIGHTS.—The Airports Authority shall continue all collective bargaining rights enjoyed before the date the lease takes effect by employees of the Metropolitan Washington Airports.

(7) AUDITS.—The Comptroller General of the United States may conduct periodic audits of the activities and transactions of the Airports Authority in accordance with generally accepted management principles, and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at such place or places as the Comptroller General may deem appropriate. All books, accounts, records, reports, files, papers, and property of the Airports Au-

thority shall remain in possession and custody of the Airports Authority.

(8) **CODE OF ETHICS.**—The Airports Authority shall develop a code of ethics and financial disclosure in order to assure the integrity of all decisions made by its board of directors and employees.

(9) **RESTRICTION ON USE OF CERTAIN REVENUES.**—Notwithstanding any other provision of law, no landing fee imposed for operating an aircraft or revenues derived from parking automobiles—

(A) at Washington Dulles International Airport may be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington National Airport; or

(B) at Washington National Airport may be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington Dulles International Airport.

(10) **GENERAL AVIATION FEES.**—The Airports Authority shall compute the fees and charges for landing general aviation aircraft at the Metropolitan Washington Airports on the same basis as the landing fees for air carrier aircraft, except that the Airports Authority may require a minimum landing fee not in excess of the landing fee for aircraft weighing 12,500 pounds.

(11) **OTHER TERMS.**—The Secretary shall include such other terms and conditions applicable to the parties to the lease as are consistent with and carry out the provisions of this title.

(d) **SUBMISSION TO CONGRESS.**—The Secretary shall submit the lease entered into under this section to Congress. The lease may not take effect before the passage of (1) 30 days, or (2) 10 days in which either House of Congress is in session, whichever occurs later.

(e) **ENFORCEMENT OF LEASE PROVISIONS.**—The district courts of the United States shall have jurisdiction to compel the Airports Authority and its officers and employees to comply with the terms of the lease. An action may be brought on behalf of the United States by the Attorney General, or by any aggrieved party.

## **SEC. 6006. CAPITAL IMPROVEMENTS, CONSTRUCTION, AND REHABILITATION.**

(a) **IMPROVEMENTS.**—It is the sense of the Congress that the Airports Authority should—

(1) pursue the improvement, construction, and rehabilitation of the facilities at Washington Dulles International Airport and Washington National Airport simultaneously; and

(2) to the extent practicable, cause the improvement, construction, and rehabilitation proposed by the Secretary to be completed at both of such Airports within 5 years after the earliest date on which the Airports Authority issues bonds under the authority required by section 6007 of this title for any such improvement, construction, or rehabilitation.

(b) **SECRETARY'S ASSISTANCE.**—The Secretary shall assist the three airports serving the Washington, D.C. metropolitan area in planning for operational and capital improvements at those air-

ports and shall accelerate consideration of applications for Federal financial assistance by whichever of the three airports is most in need of increasing airside capacity.

**SEC. 6007. AIRPORTS AUTHORITY.**

(a) **POWERS CONFERRED BY VIRGINIA AND THE DISTRICT OF COLUMBIA.**—The Airports Authority shall be a public body corporate and politic, having the powers and jurisdiction as are conferred upon it jointly by the legislative authority of the Commonwealth of Virginia and the District of Columbia or by either of the jurisdictions and concurred in by the legislative authority of the other jurisdiction, but at a minimum meeting the requirements of this section.

(b) **PURPOSE.**—The Airports Authority shall be—

(1) independent of the Commonwealth of Virginia and its local governments, the District of Columbia, and the Federal Government; and

(2) a political subdivision constituted solely to operate and improve both Metropolitan Washington Airports as primary airports serving the Metropolitan Washington area.

(c) **GENERAL AUTHORITIES.**—The Airports Authority shall be authorized—

(1) to acquire, maintain, improve, operate, protect, and promote the Metropolitan Washington Airports for public purposes;

(2) to issue bonds from time to time in its discretion for public purposes, including the purposes of paying all or any part of the cost of airport improvements, construction, and rehabilitation, and the acquisition of real and personal property, including operating equipment for the airports, which bonds—

(A) shall not constitute a debt of either jurisdiction or a political subdivision thereof; and

(B) may be secured by the Airports Authority's revenues generally, or exclusively from the income and revenues of certain designated projects whether or not they are financed in whole or part from the proceeds of such bonds;

(3) to acquire real and personal property by purchase, lease, transfer, or exchange, and to exercise such powers of eminent domain within the Commonwealth of Virginia as are conferred upon it by the Commonwealth of Virginia;

(4) to levy fees or other charges; and

(5) to make and maintain agreements with employee organizations to the extent that the Federal Aviation Administration is so authorized on the date of enactment of this title

(d) **CONFLICT-OF-INTEREST PROVISIONS.**—The Airports Authority shall be subject to a conflict-of-interest provision providing that members of the board and their immediate families may not be employed by or otherwise hold a substantial financial interest in any enterprise that has or is seeking a contract or agreement with the Airports Authority or is an aeronautical, aviation services, or airport services enterprise that otherwise has interests that can be directly affected by the Airports Authority. Exceptions to requirements of the preceding sentence may be made by the official appointing a member at the time the member is appointed, if the fi-

nancial interest is fully disclosed and so long as the member does not participate in board decisions that directly affect such interest. The Airports Authority shall include in its code developed under section 6005(c)(8) of this title the standards by which members will determine what constitutes a substantial financial interest and the circumstances under which an exception may be granted.

(e) BOARD OF DIRECTORS.—

(1) APPOINTMENT.—The Airports Authority shall be governed by a board of directors of 13 members, as follows:

(A) five members shall be appointed by the Governor of Virginia;

(B) three members shall be appointed by the Mayor of the District of Columbia;

(C) two members shall be appointed by the Governor of Maryland; and

(D) three members shall be appointed by the President with the advice and consent of the Senate.

The Chairman shall be appointed from among the members by majority vote of the members and shall serve until replaced by majority vote of the members.

(2) RESTRICTIONS.—Members shall (A) not hold elective or appointive political office, (B) serve without compensation other than for reasonable expenses incident to board functions, and (C) reside within the Washington Standard Metropolitan Statistical Area, except that the members appointed by the President shall be registered voters of States other than Maryland, Virginia, or the District of Columbia.

(3) TERMS.—Members shall be appointed to the board for a term of 6 years, except that of members first appointed—

(A) by the Governor of Virginia, 2 shall be appointed for 4 years and 2 shall be appointed for 2 years;

(B) by the Mayor of the District of Columbia, 1 shall be appointed for 4 years and 1 shall be appointed for 2 years;

(C) by the Governor of Maryland, 1 shall be appointed for 4 years; and

(D) by the President after the date of the enactment of this subparagraph, 1 shall be appointed for 4 years.

A member may serve after the expiration of that member's term until a successor has taken office.

(4) VACANCIES.—A vacancy in the board of directors shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

(5) POLITICAL PARTIES OF PRESIDENTIAL APPOINTEES.—Not more than 2 of the members of the board appointed by the President may be of the same political party.

(6) DUTIES OF PRESIDENTIAL APPOINTEES.—In carrying out their duties on the board, members of the board appointed by the President shall ensure that adequate consideration is given to the national interest.

(7) DEADLINE FOR PRESIDENTIAL APPOINTMENTS.—

(A) DEADLINE.—The members to be appointed to the board by the President under section 6007(e)(1)(D) shall be appointed on or before September 30, 1997.

(B) APPLICABILITY OF LIMITATIONS.—If the deadline of subparagraph (A) is not met, the Secretary and the Airports Authority shall be subject to the limitations described in subsection (i) for the period beginning on October 1, 1997, and ending on the first day on which all of the members referred to in subparagraph (A) have been appointed.

(8) REMOVAL OF PRESIDENTIAL APPOINTEES.—A member of the board appointed by the President shall be subject to removal by the President for cause.

(9) REQUIRED NUMBER OF VOTES.—Eight votes shall be required to approve bond issues and the annual budget.

(f) CERTAIN ACTIONS TO BE TAKEN BY REGULATION.—Any action of the Airports Authority changing, or having the effect of changing, the hours of operation of or the type of aircraft serving either of the Metropolitan Washington Airports may be taken only by regulation of the Airports Authority.

(g) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review contracts of the Airports Authority to determine whether such contracts were awarded by procedures which follow sound Government contracting principles and are in compliance with section 6005(c)(4) of this title. The Comptroller General shall submit periodic reports of the conclusions reached as a result of such review to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(h) STAFF.—To assist the Secretary in carrying out this Act, the Secretary may hire two staff persons to be paid by the Airports Authority. The Airports Authority shall provide such clerical and support staff as the Secretary may require.

(i) LIMITATIONS.—After October 1, 2001—

(1) the Secretary may not approve an application of the Airports Authority for an airport development project grant under subchapter I of chapter 471 of title 49, United States Code; and

(2) the Secretary may not approve an application of the Airports Authority to impose a passenger facility fee under section 40117 of such title.

#### **SEC. 6008. EMPLOYEES AT METROPOLITAN WASHINGTON AIRPORTS.**

(a) EMPLOYEE PROTECTION.—Not later than the date the lease under section 6005 takes effect, the Secretary shall ensure that the Airports Authority has established arrangements to protect the employment interests of employees during the 5-year period beginning on such date. These arrangements shall include provisions—

(1) which ensure that the Airports Authority will adopt labor agreements in accordance with the provisions of subsection (b) of this section;

(2) for the transfer and retention of all employees who agree to transfer to the Airports Authority in their same positions for the 5-year period commencing on the date the lease under sec-

tion 6005 takes effect except in cases of reassignment, separation for cause, resignation, or retirement;

(3) for the payment by the Airports Authority of basic and premium pay to transferred employees, except in cases of separation for cause, resignation, or retirement, for 5 years commencing on the date the lease takes effect at or above the rates of pay in effect for such employees on such date;

(4) for credit during the 5-year period commencing on the date the lease takes effect for accrued annual and sick leave and seniority rights which have been accrued during the period of Federal employment by transferred employees retained by the Airports Authority; and

(5) for an offering of not less than one life insurance and three health insurance programs for transferred employees retained by the Airports Authority during the 5-year period beginning on the date the lease takes effect which are reasonably comparable with respect to employee premium cost and coverage to the Federal health and life insurance programs available to employees on the day before such date.

(b) LABOR AGREEMENTS.—

(1) ADOPTION.—The Airports Authority shall adopt all labor agreements which are in effect on the date the lease under section 6005 takes effect. Such agreements shall continue in effect for the 5-year period commencing on such date, unless the agreement provides for a shorter duration or the parties agree to the contrary before the expiration of that 5-year period. Such agreements shall be renegotiated during the 5-year period, unless the parties agree otherwise. Any labor-management negotiation impasse declared before the date the lease takes effect shall be settled in accordance with chapter 71 of title 5, United States Code.

(2) CONTINUATION.—The arrangements made pursuant to this section shall assure, during the 50-year lease term, the continuation of all collective bargaining rights enjoyed by transferred employees retained by the Airports Authority.

(c) RIGHTS OF TERMINATED EMPLOYEES.—Any transferred employee whose employment with the Airports Authority is terminated during the 5-year period beginning on the date the lease under section 6005 takes effect shall be entitled, as a condition of any lease entered into in accordance with section 6005 of this title, to rights and benefits to be provided by the Airports Authority that are similar to those such employee would have had under Federal law if termination had occurred immediately before such date.

(d) ANNUAL AND SICK LEAVE.—Any employee who transfers to the Airports Authority under this section shall not be entitled to lump-sum payment for unused annual leave under section 5551 of title 5, United States Code, but shall be credited by the Airports Authority with the unused annual leave balance on the date the lease under section 6005 takes effect, along with any unused sick leave balance on such date. During the 5-year period beginning on such date, annual and sick leave shall be earned at the same rates permitted on the day before such date, and observed official holidays shall be the same as those specified in section 6103 of title 5, United States Code.

(e) **CIVIL SERVICE RETIREMENT.**—Any Federal employee who transfers to the Airports Authority and who on the day before the date the lease under section 6005 takes effect is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title shall, so long as continually employed by the Airports Authority without a break in service, continue to be subject to such subchapter or chapter, as the case may be. Employment by the Airports Authority without a break in continuity of service shall be considered to be employment by the United States Government for purposes of such subchapter and chapter. The Airports Authority shall be the employing agency for purposes of such subchapter and chapter and shall contribute to the Civil Service Retirement and Disability Fund such sums as are required by such subchapter and chapter.

(f) **SEPARATED EMPLOYEES.**—An employee who does not transfer to the Airports Authority and who does not otherwise remain a Federal employee shall be entitled to all of the rights and benefits available under Federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Airports Authority of work substantially similar to that performed for the Federal Government.

(g) **ACCESS TO RECORDS.**—The Airports Authority shall allow representatives of the Secretary adequate access to employees and employee records of the Airports Authority when needed for the performance of functions related to the period before the date the lease under section 6005 takes effect. The Secretary shall provide the Airports Authority access to employee records of transferring employees for appropriate purposes.

#### **SEC. 6009. RELATIONSHIP TO AND EFFECT OF OTHER LAWS.**

(a) **OTHER LAWS.**—In order to assure that the Airports Authority has the same proprietary powers and is subject to the same restrictions with respect to Federal law as any other airport except as otherwise provided in this title, during the period that the lease authorized by section 6005 of this title is in effect—

(1) the Metropolitan Washington Airports shall be considered public airports for purposes of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201 et seq.); and

(2) the Acts entitled “An Act to provide for the administration of the Washington National Airport, and for other purposes”, approved June 29, 1940 (54 Stat. 686), “An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia”, approved September 7, 1950 (64 Stat. 770), and “An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes”, approved October 9, 1940 (54 Stat. 1030), shall not apply to the operation of the Metropolitan Washington Airports, and the Secretary shall be relieved of all responsibility under those Acts.

(b) **INAPPLICABILITY OF CERTAIN LAWS.**—The Metropolitan Washington Airports and the Airports Authority shall not be subject to

the requirements of any law solely by reason of the retention by the United States of the fee simple title to such airports.

(c) **POLICE POWER.**—The Commonwealth of Virginia shall have concurrent police power authority over the Metropolitan Washington Airports, and the courts of the Commonwealth of Virginia may exercise jurisdiction over Washington National Airport.

(d) **PLANNING.**—

(1) **IN GENERAL.**—The authority of the National Capital Planning Commission under section 5 of the Act of June 6, 1924 (40 U.S.C. 71d) shall not apply to the Airports Authority.

(2) **CONSULTATION.**—The Airports Authority shall consult—

(A) with the National Capital Planning Commission and the Advisory Council on Historic Preservation before undertaking any major alterations to the exterior of the main terminal at Washington Dulles International Airport, and

(B) with the National Capital Planning Commission before undertaking development that would alter the skyline of Washington National Airport when viewed from the opposing shoreline of the Potomac River or from the George Washington Parkway.

(e) **OPERATION LIMITATIONS.**—

(1) **HIGH DENSITY RULE.**—The Administrator may not increase the number of instrument flight rule takeoffs and landings authorized for air carriers by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 18, 1986, and may not decrease the number of such takeoffs and landings except for reasons of safety.

(2) **ANNUAL PASSENGER LIMITATIONS.**—The Federal Aviation Administration air traffic regulation entitled “Modification of Allocation: Washington National Airport” (14 C.F.R. 93.124) shall cease to be in effect on the date of the enactment of this title.

#### **SEC. 6010. AUTHORITY TO NEGOTIATE EXTENSION OF LEASE.**

The Secretary and the Airports Authority may at any time negotiate an extension of the lease entered into under section 6005(a).

#### **SEC. 6011. SEPARABILITY.**

If any provision of this title or the application thereof to any person or circumstance, is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected thereby.

#### **SEC. 6012. NONSTOP FLIGHTS.**

An air carrier may not operate an aircraft nonstop in air transportation between Washington National Airport and another airport that is more than 1,250 statute miles away from Washington National Airport.

#### **SEC. 6013. USE OF DULLES AIRPORT ACCESS HIGHWAY.**

(a) **RESTRICTIONS.**—Except as provided by subsection (b), the Airports Authority shall continue in effect and enforce paragraphs (1)

and (2) of section 4.2 of the Metropolitan Washington Airports Regulations, as in effect on February 1, 1995.

(b) ENFORCEMENT.—The district courts of the United States shall have jurisdiction to compel the Airports Authority and its officers and employees to comply with the requirements of this section. An action may be brought on behalf of the United States by the Attorney General or by any aggrieved party.

**SEC. 6014. EFFECT OF JUDICIAL ORDER.**

If any provision of the Metropolitan Washington Airports Amendments Act of 1996 or the amendments made by such Act (or the application of that provision to any person, circumstance, or venue) is held invalid by a judicial order, on the day after the date of the issuance of such order, and thereafter, the Secretary of Transportation and the Metropolitan Washington Airports Authority shall be subject to the limitations described in section 6007(i) of this Act.】

\* \* \*

**Oct. 9, 1996, Pub. L. 104-264, § 904(d), 110 Stat. 3276.**

TITLE IX—METROPOLITAN WASHINGTON AIRPORTS

\* \* \*

**SEC. 904. TERMINATION OF BOARD OF REVIEW.**

\* \* \*

【(d) PROTECTION OF CERTAIN ACTIONS.—Actions taken by the Metropolitan Washington Airports Authority and required to be submitted to the Board of Review pursuant to section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 before the date of the enactment of this Act shall remain in effect and shall not be set aside solely by reason of a judicial order invalidating certain functions of the Board of Review.】

*PART D—PUBLIC AIRPORTS*

**CHAPTER 491—METROPOLITAN WASHINGTON AIRPORTS**

*Sec.*

- 49101. *Findings.*
- 49102. *Purpose.*
- 49103. *Definitions.*
- 49104. *Lease of Metropolitan Washington Airports.*
- 49105. *Capital improvements, construction, and rehabilitation.*
- 49106. *Metropolitan Washington Airports Authority.*
- 49107. *Federal employees at Metropolitan Washington Airports.*
- 49108. *Limitations.*
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- 49110. *Use of Dulles Airport Access Highway.*
- 49111. *Relationship to and effect of other laws.*
- 49112. *Separability and effect of judicial order.*

**§ 49101. Findings**

*Congress finds that—*

(1) the 2 federally owned airports in the metropolitan area of the District of Columbia constitute an important and growing part of the commerce, transportation, and economic patterns of Virginia, the District of Columbia, and the surrounding region;

(2) Baltimore/Washington International Airport, owned and operated by Maryland, is an air transportation facility that provides service to the greater Metropolitan Washington region together with the 2 federally owned airports, and timely Federal-aid grants to Baltimore/Washington International Airport will provide additional capacity to meet the growing air traffic needs and to compete with other airports on a fair basis;

(3) the United States Government has a continuing but limited interest in the operation of the 2 federally owned airports, which serve the travel and cargo needs of the entire Metropolitan Washington region as well as the District of Columbia as the national seat of government;

(4) operation of the Metropolitan Washington Airports by an independent local authority will facilitate timely improvements at both airports to meet the growing demand of interstate air transportation occasioned by the Airline Deregulation Act of 1978 (Public Law 95-504; 92 Stat. 1705);

(5) all other major air carrier airports in the United States are operated by public entities at the State, regional, or local level;

(6) any change in status of the 2 airports must take into account the interest of nearby communities, the traveling public, air carriers, general aviation, airport employees, and other interested groups, as well as the interests of the United States Government and State governments involved;

(7) in recognition of a perceived limited need for a Federal role in the management of these airports and the growing local interest, the Secretary of Transportation has recommended a transfer of authority from the Federal to the local/State level that is consistent with the management of major airports elsewhere in the United States;

(8) an operating authority with representation from local jurisdictions, similar to authorities at all major airports in the United States, will improve communications with local officials and concerned residents regarding noise at the Metropolitan Washington Airports;

(9) a commission of congressional, State, and local officials and aviation representatives has recommended to the Secretary that transfer of the federally owned airports be as a unit to an independent authority to be created by Virginia and the District of Columbia; and

(10) the Federal interest in these airports can be provided through a lease mechanism which provides for local control and operation.

#### **§49102. Purpose**

(a) GENERAL.—The purpose of this chapter is to authorize the transfer of operating responsibility under long-term lease of the 2 Metropolitan Washington Airport properties as a unit, including access highways and other related facilities, to a properly constituted

independent airport authority created by Virginia and the District of Columbia, in order to achieve local control, management, operation, and development of these important transportation assets.

(b) *INCLUSION OF BALTIMORE/WASHINGTON INTERNATIONAL AIRPORT NOT PRECLUDED.*—This chapter does not prohibit the Airports Authority and Maryland from making an agreement to make Baltimore/Washington International Airport part of a regional airports authority, subject to terms agreed to by the Airports Authority, the Secretary of Transportation, Virginia, the District of Columbia, and Maryland.

### **§49103. Definitions**

*In this chapter—*

(1) “Airports Authority” means the Metropolitan Washington Airports Authority, a public authority created by Virginia and the District of Columbia consistent with the requirements of section 49106 of this title.

(2) “employee” means any permanent Federal Aviation Administration personnel employed by the Metropolitan Washington Airports on June 7, 1987.

(3) “Metropolitan Washington Airports” means Washington National Airport and Washington Dulles International Airport.

(4) “Washington Dulles International Airport” means the airport constructed under the Act of September 7, 1950 (ch. 905, 64 Stat. 770), and includes the Dulles Airport Access Highway and Right-of-way, including the extension between Interstate Routes I-495 and I-66.

(5) “Washington National Airport” means the airport described in the Act of June 29, 1940 (ch. 444, 54 Stat. 686).

### **§49104. Lease of Metropolitan Washington Airports**

(a) *GENERAL.*—The lease between the Secretary of Transportation and the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500, 100 Stat. 1783-375, Public Law 99-591, 100 Stat. 3341-378), for the Metropolitan Washington Airports must provide during its 50-year term for at least the following:

(1) The Airports Authority shall operate, maintain, protect, promote, and develop the Metropolitan Washington Airports as a unit and as primary airports serving the metropolitan Washington area.

(2)(A) *In this paragraph, ‘airport purposes’ means a use of property interests (except a sale) for—*

(i) aviation business or activities;

(ii) activities necessary or appropriate to serve passengers or cargo in air commerce; or

(iii) nonprofit, public use facilities that are not inconsistent with the needs of aviation.

(B) *During the period of the lease, the real property constituting the Metropolitan Washington Airports shall be used only for airport purposes.*

(C) *If the Secretary decides that any part of the real property leased to the Airports Authority under this chapter is used for other than airport purposes, the Secretary shall—*

(i) direct that the Airports Authority take appropriate measures to have that part of the property be used for airport purposes; and

(ii) retake possession of the property if the Airports Authority fails to have that part of the property be used for airport purposes within a reasonable period of time, as the Secretary decides.

(3) The Airports Authority is subject to section 47107(a)–(c) and (e) of this title and to the assurances and conditions required of grant recipients under the Airport and Airway Improvement Act of 1982 (Public Law 97–248, 96 Stat. 671) as in effect on June 7, 1987. Notwithstanding section 47107(b) of this title, all revenues generated by the Metropolitan Washington Airports shall be expended for the capital and operating costs of the Metropolitan Washington Airports.

(4) In acquiring by contract supplies or services for an amount estimated to be more than \$200,000, or awarding concession contracts, the Airports Authority to the maximum extent practicable shall obtain complete and open competition through the use of published competitive procedures. By a vote of 7 members, the Airports Authority may grant exceptions to the requirements of this paragraph.

(5)(A) Except as provided in subparagraph (B) of this paragraph, all regulations of the Metropolitan Washington Airports (14 C.F.R. part 159) become regulations of the Airports Authority as of June 7, 1987, and remain in effect until modified or revoked by the Airports Authority under procedures of the Airports Authority.

(B) Sections 159.59(a) and 159.191 of title 14, Code of Federal Regulations, do not become regulations of the Airports Authority.

(C) The Airports Authority may not increase or decrease the number of instrument flight rule takeoffs and landings authorized by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 18, 1986, and may not impose a limitation on the number of passengers taking off or landing at Washington National Airport.

(6)(A) Except as specified in subparagraph (B) of this paragraph, the Airports Authority shall assume all rights, liabilities, and obligations of the Metropolitan Washington Airports on June 7, 1987, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, and litigation related to those rights and obligations, regardless whether judgment has been entered, damages awarded, or appeal taken. The Airports Authority must cooperate in allowing representatives of the Attorney General and the Secretary adequate access to employees and records when needed for the performance of duties and powers related to the period before June 7, 1987. The Airports Authority shall assume responsibility for the Federal Aviation Administration's Master Plans for the Metropolitan Washington Airports.

(B) The procedure for disputes resolution contained in any contract entered into on behalf of the United States Government before June 7, 1987, continues to govern the performance of the

contract unless otherwise agreed to by the parties to the contract. Claims for monetary damages founded in tort, by or against the Government as the owner and operator of the Metropolitan Washington Airports, arising before June 7, 1987, shall be adjudicated as if the lease had not been entered into.

(C) The Administration is responsible for reimbursing the Employees' Compensation Fund, as provided in section 8147 of title 5, for compensation paid or payable after June 7, 1987, in accordance with chapter 81 of title 5 for any injury, disability, or death due to events arising before June 7, 1987, whether or not a claim was filed or was final on that date.

(D) The Airports Authority shall continue all collective bargaining rights enjoyed by employees of the Metropolitan Washington Airports before June 7, 1987.

(7) The Comptroller General may conduct periodic audits of the activities and transactions of the Airports Authority in accordance with generally accepted management principles, and under regulations the Comptroller General may prescribe. An audit shall be conducted where the Comptroller General considers it appropriate. All records and property of the Airports Authority shall remain in possession and custody of the Airports Authority.

(8) The Airports Authority shall develop a code of ethics and financial disclosure to ensure the integrity of all decisions made by its board of directors and employees. The code shall include standards by which members of the board will decide, for purposes of section 49106(d) of this title, what constitutes a substantial financial interest and the circumstances under which an exception to the conflict of interest prohibition may be granted.

(9) A landing fee imposed for operating an aircraft or revenues derived from parking automobiles—

(A) at Washington Dulles International Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington National Airport; and

(B) at Washington National Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington Dulles International Airport.

(10) The Airports Authority shall compute the fees and charges for landing general aviation aircraft at the Metropolitan Washington Airports on the same basis as the landing fees for air carrier aircraft, except that the Airports Authority may require a minimum landing fee that is not more than the landing fee for aircraft weighing 12,500 pounds.

(11) The Secretary shall include other terms applicable to the parties to the lease that are consistent with, and carry out, this chapter.

(b) PAYMENTS.—Under the lease, the Airports Authority must pay to the general fund of the Treasury annually an amount, computed using the GNP Price Deflator, equal to \$3,000,000 in 1987 dollars. The Secretary and the Airports Authority may renegotiate the level of lease payments attributable to inflation costs every 10 years.

(c) *ENFORCEMENT OF LEASE PROVISIONS.*—The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with the terms of the lease. The Attorney General or an aggrieved party may bring an action on behalf of the Government.

(d) *EXTENSION OF LEASE.*—The Secretary and the Airports Authority may at any time negotiate an extension of the lease.

**§49105. Capital improvements, construction, and rehabilitation**

(a) *SENSE OF CONGRESS.*—It is the sense of Congress that the Metropolitan Washington Airports Authority—

(1) should pursue the improvement, construction, and rehabilitation of the facilities at Washington Dulles International Airport and Washington National Airport simultaneously; and

(2) to the extent practicable, should cause the improvement, construction, and rehabilitation proposed by the Secretary of Transportation to be completed at Washington Dulles International Airport and Washington National Airport within 5 years after March 30, 1988.

(b) *SECRETARY'S ASSISTANCE.*—The Secretary shall assist the 3 airports serving the District of Columbia metropolitan area in planning for operational and capital improvements at those airports and shall accelerate consideration of applications for United States Government financial assistance by whichever of the 3 airports is most in need of increasing airside capacity.

**§49106. Metropolitan Washington Airports Authority**

(a) *STATUS.*—The Metropolitan Washington Airports Authority shall be—

(1) a public body corporate and politic with the powers and jurisdiction—

(A) conferred upon it jointly by the legislative authority of Virginia and the District of Columbia or by either of them and concurred in by the legislative authority of the other jurisdiction; and

(B) that at least meet the specifications of this section and section 49108 of this title;

(2) independent of Virginia and its local governments, the District of Columbia, and the United States Government; and

(3) a political subdivision constituted only to operate and improve the Metropolitan Washington Airports as primary airports serving the Metropolitan Washington area.

(b) *GENERAL AUTHORITY.*—(1) The Airports Authority shall be authorized—

(A) to acquire, maintain, improve, operate, protect, and promote the Metropolitan Washington Airports for public purposes;

(B) to issue bonds from time to time in its discretion for public purposes, including paying any part of the cost of airport improvements, construction, and rehabilitation and the acquisition of real and personal property, including operating equipment for the airports;

(C) to acquire real and personal property by purchase, lease, transfer, or exchange;

(D) to exercise the powers of eminent domain in Virginia that are conferred on it by Virginia;

(E) to levy fees or other charges; and

(F) to make and maintain agreements with employee organizations to the extent that the Federal Aviation Administration was authorized to do so on October 18, 1986.

(2) Bonds issued under paragraph (1)(B) of this subsection—

(A) are not a debt of Virginia, the District of Columbia, or a political subdivision of Virginia or the District of Columbia; and

(B) may be secured by the Airports Authority's revenues generally, or exclusively from the income and revenues of certain designated projects whether or not any part of the projects are financed from the proceeds of the bonds.

(c) BOARD OF DIRECTORS.—(1) The Airports Authority shall be governed by a board of directors composed of the following 13 members:

(A) 5 members appointed by the Governor of Virginia;

(B) 3 members appointed by the Mayor of the District of Columbia;

(C) 2 members appointed by the Governor of Maryland; and

(D) 3 members appointed by the President with the advice and consent of the Senate.

(2) The Chairman of the board shall be appointed from among the members by majority vote of the members and shall serve until replaced by majority vote of the members.

(3) Members of the board shall be appointed to the board for 6 years, except that of the members first appointed by the President after October 9, 1996, one shall be appointed for 4 years. A member may serve after the expiration of that member's term until a successor has taken office.

(4) A member of the board—

(A) may not hold elective or appointive political office;

(B) serves without compensation except for reasonable expenses incident to board functions; and

(C) must reside within the Washington Standard Metropolitan Statistical Area, except that a member of the board appointed by the President must be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

(5) A vacancy in the board shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(6)(A) Not more than 2 of the members of the board appointed by the President may be of the same political party.

(B) In carrying out their duties on the board, members appointed by the President shall ensure that adequate consideration is given to the national interest.

(C) The members to be appointed under paragraph (1)(D) of this subsection must be appointed before October 1, 1997. If the deadline is not met, the Secretary of Transportation and the Airports Authority are subject to the limitations of section 49108 of this title until all the members referred to in paragraph (1)(D) are appointed.

(D) A member appointed by the President may be removed by the President for cause.

(7) Eight votes are required to approve bond issues and the annual budget.

(d) **CONFLICTS OF INTEREST.**—Members of the board and their immediate families may not be employed by or otherwise hold a substantial financial interest in any enterprise that has or is seeking a contract or agreement with the Airports Authority or is an aeronautical, aviation services, or airport services enterprise that otherwise has interests that can be directly affected by the Airports Authority. The official appointing a member may make an exception if the financial interest is completely disclosed when the member is appointed and the member does not participate in board decisions that directly affect the interest.

(e) **CERTAIN ACTIONS TO BE TAKEN BY REGULATION.**—An action of the Airports Authority changing, or having the effect of changing, the hours of operation of, or the type of aircraft serving, either of the Metropolitan Washington Airports may be taken only by regulation of the Airports Authority.

(f) **ADMINISTRATIVE.**—To assist the Secretary in carrying out this chapter, the Secretary may hire 2 staff individuals to be paid by the Airports Authority. The Airports Authority shall provide clerical and support staff that the Secretary may require.

(g) **REVIEW OF CONTRACTING PROCEDURES.**—The Comptroller General shall review contracts of the Airports Authority to decide whether the contracts were awarded by procedures that follow sound Government contracting principles and comply with section 49104(a)(4) of this title. The Comptroller General shall submit periodic reports of the conclusions reached as a result of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

**§49107. Federal employees at Metropolitan Washington Airports**

(a) **LABOR AGREEMENTS.**—(1) The Metropolitan Washington Airports Authority shall adopt all labor agreements that were in effect on June 7, 1987. Unless the parties otherwise agree, the agreements must be renegotiated before June 7, 1992.

(2) Employee protection arrangements made under this section shall ensure, during the 50-year lease term, the continuation of all collective bargaining rights enjoyed by transferred employees retained by the Airports Authority.

(b) **CIVIL SERVICE RETIREMENT.**—Any Federal employee who transferred to the Airports Authority and who on June 6, 1987, was subject to subchapter III of chapter 83 or chapter 84 of title 5, is subject to subchapter III of chapter 83 or chapter 84 for so long as continually employed by the Airports Authority without a break in service. For purposes of subchapter III of chapter 83 and chapter 84, employment by the Airports Authority without a break in continuity of service is deemed to be employment by the United States Government. The Airports Authority is the employing agency for purposes of subchapter III of chapter 83 and chapter 84 and shall contribute

to the Civil Service Retirement and Disability Fund amounts required by subchapter III of chapter 83 and chapter 84.

(c) *ACCESS TO RECORDS.*—The Airports Authority shall allow representatives of the Secretary of Transportation adequate access to employees and employee records of the Airports Authority when needed to carry out a duty or power related to the period before June 7, 1987. The Secretary shall provide the Airports Authority access to employee records of transferring employees for appropriate purposes.

**§49108. Limitations**

After October 1, 2001, the Secretary of Transportation may not approve an application of the Metropolitan Washington Airports Authority—

- (1) for an airport development project grant under subchapter I of chapter 471 of this title; or
- (2) to impose a passenger facility fee under section 40117 of this title.

**§49109. Nonstop flights**

An air carrier may not operate an aircraft nonstop in air transportation between Washington National Airport and another airport that is more than 1,250 statute miles away from Washington National Airport.

**§49110. Use of Dulles Airport Access Highway**

The Metropolitan Washington Airports Authority shall continue in effect and enforce section 4.2(1) and (2) of the Metropolitan Washington Airports Regulations, as in effect on February 1, 1995. The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with this section. The Attorney General or an aggrieved party may bring an action on behalf of the United States Government.

**§49111. Relationship to and effect of other laws**

(a) *SAME POWERS AND RESTRICTIONS UNDER OTHER LAWS.*—To ensure that the Metropolitan Washington Airports Authority has the same proprietary powers and is subject to the same restrictions under United States law as any other airport except as otherwise provided in this chapter, during the period that the lease authorized by section 6005 of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500, 100 Stat. 1783-375, Public Law 99-591, 100 Stat. 3341-378) is in effect—

- (1) the Metropolitan Washington Airports are deemed to be public airports for purposes of chapter 471 of this title; and
- (2) the Act of June 29, 1940 (ch. 444, 54 Stat. 686), the First Supplemental Civil Functions Appropriations Act, 1941 (ch. 780, 54 Stat. 1030), and the Act of September 7, 1950 (ch. 905, 64 Stat. 770), do not apply to the operation of the Metropolitan Washington Airports, and the Secretary of Transportation is relieved of all responsibility under those Acts.

(b) *INAPPLICABILITY OF CERTAIN LAWS.*—The Metropolitan Washington Airports and the Airports Authority are not subject to the re-

quirements of any law solely by reason of the retention by the United States Government of the fee simple title to those airports.

(c) *POLICE POWER.*—Virginia shall have concurrent police power authority over the Metropolitan Washington Airports, and the courts of Virginia may exercise jurisdiction over Washington National Airport.

(d) *PLANNING.*—(1) The authority of the National Capital Planning Commission under section 5 of the Act of June 6, 1924 (40 U.S.C. 71d), does not apply to the Airports Authority.

(2) The Airports Authority shall consult with—

(A) the Commission and the Advisory Council on Historic Preservation before undertaking any major alterations to the exterior of the main terminal at Washington Dulles International Airport; and

(B) the Commission before undertaking development that would alter the skyline of Washington National Airport when viewed from the opposing shoreline of the Potomac River or from the George Washington Parkway.

(e) *OPERATION LIMITATIONS.*—The Administrator of the Federal Aviation Administration may not increase the number of instrument flight rule takeoffs and landings authorized for air carriers by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 18, 1986, and may not decrease the number of those takeoffs and landings except for reasons of safety.

#### **§ 49112. Separability and Effect of Judicial Order**

(a) *SEPARABILITY.*—If any provision of this chapter, or the application of a provision of this chapter to a person or circumstance, is held invalid, the remainder of this chapter and the application of the provision to other persons or circumstances is not affected.

(b) *EFFECT OF JUDICIAL ORDER.*—(1) If any provision of the Metropolitan Washington Airports Amendments Act of 1996 (title IX of Public Law 104-264, 110 Stat. 3274) or the amendments made by the Act, or the application of that provision to a person, circumstance, or venue, is held invalid by a judicial order, the Secretary of Transportation and the Metropolitan Washington Airports Authority shall be subject to section 49108 of this title from the day after the day the order is issued.

(2) Any action of the Airports Authority that was required to be submitted to the Board of Review under section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500, 100 Stat. 1783-380, Public Law 99-599, 100 Stat. 3341-383) before October 9, 1996, remains in effect and may not be set aside only because of a judicial order invalidating certain functions of the Board.