Public Law 105–102
105th Congress

An Act

Nov. 20, 1997
[H.R. 1086]

To codify without substantive change laws related to transportation and to improve the United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE 26, INTERNAL REVENUE CODE OF 1986.

Section 9503(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(3)) is amended by striking "such Acts are in effect" and all that follows through the end of the paragraph and substituting "section 5338(a)(1) or (b)(1) and the Intermodal Surface Transportation Efficiency Act of 1991 were in effect on December 18, 1991".

SEC. 2. TITLE 49, UNITED STATES CODE.

Title 49, United States Code, is amended as follows:

(1) In the item related to subchapter I in the analysis for chapter 5, strike—

"DUTIES AND".

(2) In the heading for subchapter I of chapter 5, strike—

"AND".

(3) In section 5108(f), strike "section 522(f)" and substitute "section 552(b)".

(4) Section 5303(c) is amended as follows:

(A) In paragraph (1), insert "and sections 5304–5306 of this title" after "this section".

(B) In paragraph (4)(A), strike "paragraph (3)" and substitute "paragraph (5)".

(C) In paragraph (5)(A), insert "and sections 5304–5306 of this title" after "this section".

(5) In item 155 in the subtitle analysis for subtitle IV, strike "AND TARIFFS".

(6) In section 11904(a)(2), strike "a person" and substitute "person".

(7) In section 11906, strike "of this title" and substitute "of this part".

(8) In section 13506(a)(5), strike "1141j(a))" and substitute "1141j(a)))".

(9) In section 13703(a)(2), strike "subsection (a)" and substitute "paragraph (1)".

(10) In section 13905(e)(1), strike "31144," and substitute "31144".

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(11) In section 14123(c)(2)(B), insert "in" before "no event".

(12) In section 14903(a), insert "a" before "civil penalty of not more than".

(13) In section 15101(a), strike "oversee of" and substitute "oversee".

(14) In the item related to section 15904 in the analysis for chapter 159, strike "certain" and substitute "pipeline".

(15) In section 15904(c)(1), strike "section 11501(b)" and substitute "15901(b)".

(16) In section 16101, redesignate subsection (d) as (c).

(17) In item 305 in the subtitle analysis for subtitle VI, strike "NATIONAL AUTOMOBILE TITLE INFORMATION SYSTEM" and substitute "NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM".

(18) In section 30305(b)—

(A) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324; 110 Stat. 3908), strike "paragraph (2)" and substitute "subsection (a) of this section"; and

(B) 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).

(19) In section 32706(c), strike "subchapter II of chapter 105" and substitute "subchapter I of chapter 135".

(20) In the analysis of subtitle VII, strike the item related to part D and substitute

"PART D—PUBLIC AIRPORTS

"491. METROPOLITAN WASHINGTON AIRPORTS ..... 49101".

(21) In the item related to section 41502 in the analysis for chapter 415, strike "common".

(22) The catchline for section 41502 is amended by striking "common".

(23) In section 41713(b)(4)(B)(ii), strike "10102" and substitute "13102".

(24) In section 41714(d)(1), strike "sections 6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986" and substitute "sections 49104(a)(5) and 49111(e) of this title".

(25) In section 44936(f)(1)(C), strike "section 30305(b)(7)" and substitute "section 30305(b)(8) of this title".

(26) Insert after part C of subtitle VII the following:

"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.
"49109. Nonstop flights.
"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 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 CFR 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 CFR 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, 1996.

"(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 by 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 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.

Reports.

"§ 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 II 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 requirements of any law solely by reason of the retention

of 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 CFR 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.".

SEC. 3. TECHNICAL CHANGES TO OTHER LAWS.

49 USC 5302 note, 5302.

(a) Effective November 15, 1995, section 333(a)(1) and (2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50; 109 Stat. 457) is amended to read as follows:

"(1) in subparagraph (B) 'that extends the economic life of a bus for at least 5 years'; and

"(2) in subparagraph (C), 'that extends the economic life of a bus for at least 8 years'.".

(b) Effective July 2, 1996, section 2(c) of the Anti-Car Theft Improvements Act of 1996 (Public Law 104–152; 110 Stat. 1384) is amended by striking "sections 30502 and 30503" and substituting "sections 30501(6), 30502, 30503, and 30504(a)(1)". 49 USC 30501 note, 30501–30504.

(c) Effective October 9, 1996, the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264; 110 Stat. 3213) is amended as follows: 49 USC 106 note.

(1) Section 123 is amended as follows: 49 USC 47117.

(A) Subsection (b)(6) is amended to read as follows:

"(6) in subparagraph (B), as so redesignated, by striking 'at least 2.25' and all that follows through '1996,' and inserting 'at least 4 percent for each of fiscal years 1997 and 1998'; and".

(B) Add at the end the following:

"(d) CONFORMING CROSS-REFERENCE.—Section 47117(e)(1)(A), as redesignated by subsection (b)(3) of this section, is amended by striking '47504(c)(1)' and substituting '47504(c)'.".

(2) Section 124 is amended by striking subsection (d). 49 USC 47117.

(3) Section 276 is amended by adding at the end the following: 49 USC 106.

"(c) CONFORMING CROSS-REFERENCE.—Section 106(g)(1)(A) is amended by striking '45302, 45303' and substituting '45302–45304'.".

(4) Sections 502(c) and 1220(b) are repealed. 49 USC 46301.

(d) Effective October 11, 1996— 49 USC 40124 note.

(1) Section 5 of the Act of October 11, 1996 (Public Law 104–287; 110 Stat. 3388), is amended as follows:

(A) In clause (45)(A), strike "ENFORCEMENT," and substitute "ENFORCEMENT:".

(B) Clause (69) is amended to read as follows: 49 USC 40121, 40124.

"(69)(A) Add at the end of chapter 401 the following:

'§ 40124. Interstate agreements for airport facilities

'Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.'.

"(B) In the analysis for chapter 401, add at the end the following:

'40124. Interstate agreements for airport facilities.'.".

(C) Clause (76) is repealed. 49 USC 45301.

(D) Clause (79) is amended to read as follows: 49 USC 46316.

"(79) In section 46316(b), strike 'and sections 44701(a) and (b), 44702–44716, 44901, 44903(b) and (c), 44905, 44906, 44912–44915, and 44932–44938' and substitute 'chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)'.".

(E) Clause (84) is repealed. 49 USC 47128.

(2) Section 8 of the Act of October 11, 1996 (Public Law 104–287; 110 Stat. 3400), is amended as follows:

(A) In paragraph (1), strike "(77), (78)" and substitute "(77)–(79)". 49 USC 5303 note.

(B) Paragraph (2) is amended to read as follows: 49 USC 47117 note.

"(2) The amendments made by section 5(81)(B), (82)(A), and (83)(A) shall take effect on September 30, 1998.".

(e) The General Aviation Revitalization Act of 1994 (Public Law 103–298; 108 Stat. 1552) is amended as follows: 49 USC 40101 note.

(1) In section 2(c), strike "the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.)" and substitute "part A of subtitle VII of title 49, United States Code,".

(2) In section 3—

(A) in paragraph (1), strike "section 101(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(5))" and substitute "section 40102(a)(6) of title 49, United States Code";

(B) in paragraph (2), strike "section 603(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(c))" and substitute "section 44704(c)(1) of title 49, United States Code,"; and

(C) in paragraph (4), strike "section 603(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(a))" and substitute "section 44704(a) of title 49, United States Code,".

Effective dates. 49 USC 106 note.

(f) The amendments made by subsections (a) through (d) of this section shall take effect as if included in the provisions of the Acts to which the amendments relate.

49 USC note prec. 101.

SEC. 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—This Act restates, without substantive change, laws enacted before May 1, 1997, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after April 30, 1997, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

49 USC note prec. 101.

SEC. 5. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1996						
Oct. 18	99–500 ...	6001–6012	100	1783–373	.....	.....
Oct. 30	99–591 ...	6001–6012	100	3341–376	.....	.....
1991						
Dec. 18	102–240	7001–7004	105	2197	.....	.....
1996						
Oct. 9	104–264	902–907	110	3274	.....	.....

Approved November 20, 1997.

LEGISLATIVE HISTORY—H.R. 1086:

HOUSE REPORTS: No. 105–153 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 143 (1997):
July 8, considered and passed House.
Nov. 8, considered and passed Senate.

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