

104TH CONGRESS
1ST SESSION

H. R. 2297

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 1995

Mr. HYDE introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

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

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

3 **SECTION 1. TITLE 18, UNITED STATES CODE.**

4 Section 2721(b) of title 18, United States Code, is amended as follows:

5 (1) In the matter before clause (1), strike “the Automobile Informa-
6 tion Disclosure Act, the Motor Vehicle Information and Cost Saving
7 Act, the National Traffic and Motor Vehicle Safety Act of 1966, the
8 Anti-Car Theft Act of 1992, and the Clean Air Act” and substitute “ti-
9 tles I and IV of the Anti Car Theft Act of 1992, the Automobile Infor-
10 mation Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42
11 U.S.C. 7401 et seq.), and chapters 301, 305, and 321–331 of title 49”.

1 (2) In clause (9), strike “the Commercial Motor Vehicle Safety Act
2 of 1986 (49 U.S.C. 2710 et seq.)” and substitute “chapter 313 of title
3 49”.

4 **SECTION 2. TITLE 23, UNITED STATES CODE.**

5 In the catchline for section 103(e)(4)(L) of title 23, United States Code,
6 strike “FTA” and substitute “CHAPTER 53 OF TITLE 49”.

7 **SECTION 3. TITLE 31, UNITED STATES CODE.**

8 Title 31, United States Code, is amended as follows:

9 (1) In section 1105(a), redesignate clauses (27) through the end as
10 clauses (26) through the end.

11 (2) Section 9101(2) is amended as follows:

12 (A) Clause (J) is repealed.

13 (B) In clause (K), strike “The” and substitute “the”.

14 (C) Redesignate clauses (K) through the end as clauses (J)
15 through the end.

16 **SECTION 4. TITLE 39, UNITED STATES CODE.**

17 In section 5201(5) of title 39, United States Code, strike “section
18 10102(14)” and substitute “section 10102(15)”.

19 **SECTION 5. TITLE 49, UNITED STATES CODE.**

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

21 (1) In section 111(b)(4) and (g), strike “the date of the enactment
22 of this section” and substitute “December 18, 1991”.

23 (2) Section 329 is amended as follows:

24 (A) In subsection (b)(1), strike “(as those terms are used in
25 such Act)” and substitute “(as that term is used in part A of sub-
26 title VII of this title)”.

27 (B) In subsection (d), strike “that Act” and substitute “that
28 part”.

29 (3) In section 521(b)(1)(B), strike “the date of enactment of this
30 subparagraph” and substitute “November 3, 1990”.

31 (4) In sections 5119(b)(2), 5309(g)(1)(B) and (m)(3), 5328(b)(3),
32 5334(b)(1), 5335(b)–(d), 31134(c)(1)(B) and (C) and (2),
33 40112(e)(2), 41105(b), 41310(f), 41714(e)(2), 42104(b), 44506(d),
34 44913(a)(2), 47107(k), 48102(d)(2), and 48109, strike “Public Works
35 and Transportation” and substitute “Transportation and Infrastruc-
36 ture”.

37 (5) In section 10101(a)(3), insert “section 31138 of this title and”
38 after “enacted by”.

39 (6) In sections 10309(a), 20134(c)(2), 20145, 22108(b), 24314(b),
40 24702(c), and 24903(a), strike “Committee on Energy and Commerce”
41 and substitute “Committee on Transportation and Infrastructure”.

1 (7) In section 10321(b)(4), strike “10922(c)(2)” and substitute
2 “10922(d)(2)”.

3 (8) In section 10322(a), strike “10922(i)(2), 10922(i)(4)” and
4 “10922(c)(2)(A)” and substitute “10922(j)(2), 10922(j)(4)” and
5 “10922(d)(2)(A)”, respectively.

6 (9) In section 10362(a)(2), strike “10905(b)(2)(A)” and substitute
7 “10905(d)(2)(A)”.

8 (10) In the analysis of chapter 105, strike item 10504 and sub-
9 stitute—

“10504. Mass transportation exemption.”.

10 (11) In the catchline of section 10504, strike “**Exempt rail mass**
11 **transportation**” and substitute “**Mass transportation ex-**
12 **emption**”.

13 (12) In section 10505(g), strike “fitness.” and substitute “fitness.”.

14 (13) In section 10521(b)(1)–(3), strike “10922(c)(2)” and substitute
15 “10922(d)(2)”.

16 (14) In section 10528, strike “10922(b)” and substitute “10922(c)”.

17 (15) Section 10530 is amended as follows:

18 (A) In subsection (e)(2)(A), strike “section 30 of the Motor
19 Carrier Act of 1980” and substitute “section 31139 of this title”.

20 (B) In subsection (i)(1), strike “10922(l) of this title on the ef-
21 fective date of this section” and substitute “10922(m) of this title
22 on May 1, 1985”.

23 (16) Section 10701(f)(8) is amended as follows:

24 (A) In the catchline for subclause (B), strike “DATE OF ENACT-
25 MENT” and substitute “DECEMBER 3, 1993”.

26 (B) In subclause (B), before subclause (i), strike “the date of
27 the enactment of this subsection” and substitute “December 3,
28 1993,”.

29 (C) In subclauses (B)(ii) and (D)(ii), strike “the 90th day fol-
30 lowing the date of the enactment of this subsection” and sub-
31 stitute “March 3, 1994”.

32 (D) In the catchline for subclauses (C) and (D), strike “BEFORE
33 OR ON DATE OF ENACTMENT” and substitute “BEFORE DECEMBER
34 4, 1993”.

35 (E) In subclause (C), strike “before or on the date of the enact-
36 ment of this subsection” and substitute “before December 4,
37 1993”.

38 (F) In subclause (D), before subclause (i), strike “before or on
39 the date of the enactment of this subsection” and substitute “be-
40 fore December 4, 1993,”.

(17) In section 10702(c)(1), strike “the 90th day following the date of the enactment of this subsection” and substitute “March 3, 1994”.

(18) In section 10703(a)(4)(E), strike “the date of enactment of this subparagraph” and substitute “July 1, 1980”.

(19) In sections 10704(a)(3) and (4), 10705a(p)(1), 10706(a)(5)(C), 10707a(c)(1), 10709(d)(2)(A) and (5)(A), 10910(g)(2), and 11501(b)(3)(B), strike “the effective date of the Staggers Rail Act of 1980” and substitute “October 1, 1980.”.

(20) In sections 10705a(b)(2) and (c)(1), 10707a(c)(2)(B), 10713(j) and (m)(3), 10731(e), 10910(a)(2) and (k), 11161(f), 11162(a), 11164(a), 11167, and 11501(b)(2), strike “the effective date of the Staggers Rail Act of 1980” and substitute “October 1, 1980”.

(21) Section 10706(b)(3) is amended as follows:

(A) In subparagraph (B)(ii), strike “the date of enactment of this subsection” and substitute “July 1, 1980”.

(B) In subparagraph (C), strike “the date of enactment of the Motor Carrier Act of 1980” and substitute “July 1, 1980.”.

(C) In subparagraph (F), strike “the effective date of this subparagraph” and substitute “November 19, 1982”.

(22) Section 10708 is amended as follows:

(A) In subsection (d)(3)(A), strike “the date of enactment of this paragraph” and substitute “July 1, 1980.”.

(B) In subsection (d)(3)(B), strike “the date of enactment of this paragraph” and substitute “July 1, 1980”.

(C) In subsection (d)(4)(B), strike “the effective date of this paragraph” and substitute “November 19, 1982”.

(D) In subsection (d)(5), strike “the effective date of this paragraph” and “the effective date” and substitute in both places “November 19, 1982”.

(E) In subsection (e), strike “the effective date of this subsection” and substitute “November 19, 1982”.

(23) In section 10711, strike “10727.”.

(24) In section 10713(b)(2)(C) and (D), strike “the date of the enactment of the Conrail Privatization Act” and substitute “October 21, 1986”.

(25) In section 10751(c), strike “the date of enactment of the Motor Carrier Act of 1980” and substitute “July 1, 1980”.

(26) Section 10762 is amended as follows:

(A) Subsection (a) is amended as follows:

(i) In paragraph (1), strike “the date of enactment of such Act” and substitute “August 26, 1994”.

(ii) In paragraph (5), strike “the date of enactment of the Trucking Industry Regulatory Reform Act of 1994”, “the enactment of that Act”, and “that date”, and substitute “August 26, 1994,”, “August 26, 1994,”, and “August 26, 1994”, respectively.

(B) Subsections (h) and (i) are amended as follows:

(i) Strike “the date of the enactment of this subsection” and substitute “December 3, 1993,”.

(ii) Strike “such date of enactment” and substitute “December 3, 1993”.

(C) In subsection (j), strike “the date of enactment of the Trucking Industry Regulatory Reform Act of 1994” and substitute “August 26, 1994”.

(27) Section 10766(c) is amended as follows:

(A) Before clause (1), strike “the date of the enactment of the Surface Freight Forwarder Deregulation Act of 1986” and substitute “October 22, 1986”.

(B) In clause (2), strike “801–842” and “843–848” and substitute “801 et seq.” and “843 et seq.”, respectively.

(28) In section 10767(a), strike “the date of the enactment of this section” and substitute “December 3, 1993”.

(29) Section 10922 is amended as follows:

(A) In subsection (d)(1)(F)(i), strike “the date of the enactment of this paragraph” and substitute “April 2, 1987,”.

(B) In subsection (d)(2)(A), strike “the effective date of this subsection” and substitute “November 19, 1982,”.

(C) In subsection (d)(2)(B), strike “the effective date of this section” and substitute “November 19, 1982,”.

(D) In subsection (d)(3)(E), strike “the date of the enactment of this subparagraph” and substitute “April 2, 1987,”.

(E) In subsection (d)(6), strike “section 18 of the Bus Regulatory Reform Act of 1982” and substitute “section 31138 of this title”.

(F) In subsection (d)(7), strike “10922(i)(4)” and substitute “10922(j)(4)”.

(G) In subsection (j)(1), strike “the date of enactment of this subsection” and substitute “July 1, 1980”.

(H) In subsection (j)(3), strike “the effective date of this paragraph” and substitute “November 19, 1982”.

(I) In subsection (m)(1), strike “the effective date of this subsection” and substitute “September 20, 1982”.

(30) Section 10923 is amended as follows:

(A) Strike “households” each place it appears and substitute “household”.

(B) In subsection (c)(2), strike “section 18 of the Bus Regulatory Reform Act of 1982” and substitute “section 31138 of this title”.

(31) In section 10927(a)(1), strike “section 30 of the Motor Carrier Act of 1980, section 18 of the Bus Regulatory Reform Act of 1982,” and substitute “sections 31138 and 31139 of this title”.

(32) Section 10935 is amended as follows:

(A) In subsection (e)(2)(B), strike “the effective date of this section, or is granted on or after such effective date” and substitute “November 19, 1982, or is granted on or after November 19, 1982”.

(B) In subsection (h), strike “10922(c)(4)” and substitute “10922(d)(4)”.

(33) In section 11128(a)(1), strike “11123(a)(4)” and substitute “11123(a)(1)(D)”.

(34) In section 11164(a), strike “the day prior to the effective date of the Staggers Rail Act of 1980” and substitute “September 30, 1980”.

(35) In section 11342(b)(2), strike “the date of enactment of this paragraph” and substitute “October 15, 1980”.

(36) In section 11506(c)(1), strike “the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991” and “such date of enactment” and substitute in both places “December 18, 1991”.

(37) Section 11706 is amended as follows:

(A) In subsection (a)(1), strike “the date of the enactment of the Negotiated Rates Act of 1993” and substitute “December 3, 1993”.

(B) In subsection (b)(1), strike “the date of the enactment of the Negotiated Rate Act of 1993” and substitute “December 3, 1993”.

(38) In section 11712(c), strike “the date of the enactment of this section” and substitute “December 3, 1993”.

(39) In section 11901(g), strike “the date of enactment of this sentence” and “such date of enactment” and substitute “October 15, 1980” and “October 15, 1980,” respectively.

(40) Section 20133(b) is amended as follows:

(A) In paragraph (1), strike “the date of enactment of the Federal Railroad Safety Authorization Act of 1994” and substitute “November 2, 1994”.

(B) In paragraph (2), strike “such date of enactment” and substitute “November 2, 1994”.

(41) In sections 20145, 20146, and 20151(a) and (c), strike “the date of enactment of the Federal Railroad Safety Authorization Act of 1994” and substitute “November 2, 1994”.

(42) In section 20152(b), strike “the date of enactment of this section” and “that date” and substitute “November 2, 1994” and “November 2, 1994,” respectively.

(43) In section 20153(g), strike “the date of enactment of this section” wherever it appears and substitute “November 2, 1994”.

(44) Add at the end of section 20301(b) the following:

“(4) a car, locomotive, or train used on a street railway.”.

(45)(A) Insert after section 28102 the following:

“CHAPTER 283—MAXIMUM HOURS OF WORK

“Sec.

“28301. General.

“28302. Penalties.

“§ 28301. General

“(a) EIGHT HOUR DAY.—In contracts for labor and service, 8 hours shall be a day’s work and the standard day’s work for determining the compensation for services of an employee employed by a common carrier by railroad subject to subtitle IV of this title and actually engaged in any capacity in operating trains used for transporting passengers or property on railroads from—

“(1) a State of the United States or the District of Columbia to any other State or the District of Columbia;

“(2) one place in a territory or possession of the United States to another place in the same territory or possession;

“(3) a place in the United States to an adjacent foreign country; or

“(4) a place in the United States through a foreign country to any other place in the United States.

“(b) APPLICATION.—Subsection (a) of this section—

“(1) does not apply to—

“(A) an independently owned and operated railroad not exceeding one hundred miles in length;

“(B) an electric street railroad; and

“(C) an electric interurban railroad; but

“(2) does apply to an independently owned and operated railroad less than one hundred miles in length—

“(A) whose principal business is leasing or providing terminal or transfer facilities to other railroads; or

“(B) engaged in transfers of freight between railroads or between railroads and industrial plants.

“§ 28302. Penalties

“A person violating section 28301 of this title shall be fined under title 18, imprisoned not more one year, or both.”.

(B) In the analysis for subtitle V, insert after item 281 the following:
 “283. MAXIMUM HOURS OF WORK 28301”.

(46) In section 30144(a)(1)(A), strike “Organization” and substitute “Organizations”.

(47) In section 30168(c), strike “Committees on Energy and Commerce and Public Works and Transportation” and substitute “Committees on Commerce and Transportation and Infrastructure”.

(48) In section 32702(8), insert “any” after “or”.

(49) Section 32705 is amended as follows:

(A) In the catchline for subsection (a), strike “WRITTEN”.

(B) Subsection (a)(2) and (3) is amended to read as follows:

“(2) A person transferring ownership of a motor vehicle may not violate a regulation prescribed under this section or give a false statement to the transferee in making the disclosure required by such a regulation.

“(3) A person acquiring a motor vehicle for resale may not accept a written disclosure under this section unless it is complete.”.

(D) In subsection (b)(3)(A), strike “may” and “only if” and substitute “may not” and “unless”, respectively.

(50) In sections 32904(b)(6)(C) and 32905(g), strike “Committee on Energy and Commerce” and substitute “Committee on Commerce”.

(51) In the analysis of subtitle VII, strike the item related to part D and item 491 and substitute—

“PART D—PUBLIC AIRPORTS

“491. METROPOLITAN WASHINGTON AIRPORTS 49101

“PART E—MISCELLANEOUS

“501. BUY-AMERICAN PREFERENCES 50101”.

(52) In section 40109(c), insert “41311, 41312,” after “41308–41310(a),” and “41714, 41715,” after “41712,”.

(53) In section 40116(d)(2)(A)(iv), strike “Levy” and “the date of enactment of this clause” and substitute “levy” and “August 23, 1994”, respectively.

(54) Section 40117(e)(2) is amended as follows:

(A) In clause (B), insert “and” after the semicolon.

(B) Strike clause (C).

(C) Redesignate clause (D) as clause (C).

(55) In the catchline for section 40118(d), strike “TRANSPORTATION BY FOREIGN AIR CARRIERS” and substitute “CERTAIN TRANSPORTATION BY AIR OUTSIDE THE UNITED STATES”.

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

“§ 40121. 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, insert after item 40120 the following:

“40121. Interstate agreements for airport facilities.”.

(57) 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 49110(e) of this title”.

(58) In sections 44501(c)(1), 44511(e), 48102(c)(2)(A) and (d)(2), and 70112(d)(1), strike “Science, Space, and Technology” and substitute “Science”.

(59) Section 44502 is amended as follows:

(A) In subsection (c)(1), strike “To ensure that” and substitute “To ensure”.

(B) Strike subsection (e) and redesignate subsection (f) as subsection (e).

(60) In section 45301(c)(5), strike “the date of the enactment of this subsection” and substitute “August 23, 1994,”.

(61) In section 46301(a)(1)(A), insert “44718,” after “44702–44716,”.

(62) In section 47107(l)(1), strike “the date of the enactment of this subsection” and substitute “August 23, 1994”.

(63) Section 47115 is amended as follows:

(A) Subsection (f)(2) as enacted by section 112(d) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1576) is amended by striking “the date of the enactment of this subsection” and substituting “August 23, 1994”.

(B) Subsection (f) as enacted by section 6(67) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4386), is redesignated subsection (g).

(64) In section 47118(a), strike “on or before the date of the enactment of this sentence” and substitute “before August 24, 1994”.

(65) Section 47129 is amended as follows:

(A) In subsection (a)(1), strike “of this subtitle” and substitute “of this title”.

(B) In subsections (b), (e)(2), and (f)(2), strike “the date of the enactment of this section” and substitute “August 23, 1994”.

(C) In subsection (e)(3), strike “such date of enactment” and substitute “August 23, 1994”.

(66) In section 47509(d), strike “the date of the enactment of this section” and substitute “August 23, 1994”.

(67)(A) Part D is redesignated as part E.

(B) Chapter 491 is redesignated as chapter 501.

(C) Items 49101–49105 in the analysis of chapter 501, as redesignated by subparagraph (B) of this paragraph, are redesignated as items 50101–50105.

(D) Sections 49101–49105 are redesignated as sections 50101–50105.

(68) 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. Board of Review.

“49108. Federal employees at Metropolitan Washington Airports.

“49109. Nonstop flights.

“49110. Relationship to and effect of other laws.

“49111. Separability.

“§ 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

1 meet the growing air traffic needs and to compete with other airports
2 on a fair basis;

3 “(3) the United States Government has a continuing but limited in-
4 terest in the operation of the two federally owned airports, which serve
5 the travel and cargo needs of the entire Metropolitan Washington re-
6 gion as well as the District of Columbia as the national seat of govern-
7 ment;

8 “(4) operation of the Metropolitan Washington Airports by an inde-
9 pendent local authority will facilitate timely improvements at both air-
10 ports to meet the growing demand of interstate air transportation occa-
11 sioned by the Airline Deregulation Act of 1978 (Public Law 95–504;
12 92 Stat. 1705);

13 “(5) all other major air carrier airports in the United States are op-
14 erated by public entities at the State, regional, or local level;

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

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

25 “(8) an operating authority with representation from local jurisdic-
26 tions, similar to authorities at all major airports in the United States,
27 will improve communications with local officials and concerned resi-
28 dents regarding noise at the Metropolitan Washington Airports;

29 “(9) a commission of congressional, State, and local officials and
30 aviation representatives has recommended to the Secretary that trans-
31 fer of the federally owned airports be as a unit to an independent au-
32 thority to be created by Virginia and the District of Columbia; and

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

35 **“§ 49102. Purpose**

36 “(a) GENERAL.—The purpose of this chapter is to authorize the transfer
37 of operating responsibility under long-term lease of the 2 Metropolitan
38 Washington Airport properties as a unit, including access highways and
39 other related facilities, to a properly constituted independent airport author-
40 ity created by Virginia and the District of Columbia, in order to achieve

1 local control, management, operation, and development of these important
2 transportation assets.

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

9 **“§ 49103. Definitions**

10 “In this chapter—

11 “(1) ‘Airports Authority’ means the Metropolitan Washington Air-
12 ports Authority, a public authority created by Virginia and the District
13 of Columbia consistent with the requirements of sections 49106 and
14 49107 of this title.

15 “(2) ‘employee’ means any permanent Federal Aviation Administra-
16 tion personnel employed by the Metropolitan Washington Airports on
17 June 7, 1987.

18 “(3) ‘Metropolitan Washington Airports’ means Washington Na-
19 tional Airport and Washington Dulles International Airport.

20 “(4) ‘Washington Dulles International Airport’ means the airport
21 constructed under the Act of September 7, 1950 (ch. 905, 64 Stat.
22 770), and includes the Dulles Airport Access Highway and Right-of-
23 way, including the extension between Interstate Routes I–495 and I–
24 66.

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

27 **“§ 49104. Lease of Metropolitan Washington Airports**

28 “(a) GENERAL.—The lease the Secretary of Transportation made with
29 the Metropolitan Washington Airports Authority under section 6005(a) of
30 the Metropolitan Washington Airports Act of 1986 (Public Law 99–500,
31 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378), for the
32 Metropolitan Washington Airports must provide during its 50-year term for
33 at least the following:

34 “(1) The Airports Authority shall operate, maintain, protect, pro-
35 mote, and develop the Metropolitan Washington Airports as a unit and
36 as primary airports serving the metropolitan Washington area.

37 “(2)(A) In this paragraph, ‘airport purposes’ means a use of prop-
38 erty interests (except a sale) for—

39 “(i) aviation business or activities;

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

1 “(iii) nonprofit, public use facilities.

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

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

8 “(i) direct that the Airports Authority take appropriate meas-
9 ures to have that part of the property be used for airport pur-
10 poses; and

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

14 “(3) The Airports Authority is subject to section 47107(a)–(c) and
15 (e) of this title and to the assurances and conditions required of grant
16 recipients under the Airport and Airway Improvement Act of 1982
17 (Public Law 97–248, 96 Stat. 671) as in effect on June 7, 1987. Not-
18 withstanding section 47107(b) of this title, all revenues generated by
19 the Metropolitan Washington Airports shall be expended for the capital
20 and operating costs of the Metropolitan Washington Airports.

21 “(4) In acquiring by contract supplies or services for an amount esti-
22 mated to be more than \$200,000, or awarding concession contracts, the
23 Airports Authority to the maximum extent practicable shall obtain
24 complete and open competition through the use of published competi-
25 tive procedures. By a vote of 7 members, the Airports Authority may
26 grant exceptions to the requirements of this paragraph.

27 “(5)(A) Except as provided in subparagraph (B) of this paragraph,
28 all regulations of the Metropolitan Washington Airports (14 C.F.R.
29 part 159) become regulations of the Airports Authority as of June 7,
30 1987, and remain in effect until modified or revoked by the Airports
31 Authority under procedures of the Airports Authority.

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

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

40 “(6)(A) Except as specified in subparagraph (B) of this paragraph,
41 the Airports Authority shall assume all rights, liabilities, and obliga-

1 tions of the Metropolitan Washington Airports on June 7, 1987, in-
2 cluding leases, permits, licenses, contracts, agreements, claims, tariffs,
3 accounts receivable, accounts payable, and litigation related to those
4 rights and obligations, regardless whether judgment has been entered,
5 damages awarded, or appeal taken. The Airports Authority must co-
6 operate in allowing representatives of the Attorney General and the
7 Secretary adequate access to employees and records when needed for
8 the performance of duties and powers related to the period before June
9 7, 1987. The Airports Authority shall assume responsibility for the
10 Federal Aviation Administration's Master Plans for the Metropolitan
11 Washington Airports.

12 “(B) The procedure for disputes resolution contained in any contract
13 entered into on behalf of the United States Government before June
14 7, 1987, continues to govern the performance of the contract unless
15 otherwise agreed to by the parties to the contract. Claims for monetary
16 damages founded in tort, by or against the Government as the owner
17 and operator of the Metropolitan Washington Airports, arising before
18 June 7, 1987, shall be adjudicated as if the lease had not been entered
19 into.

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

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

29 “(7) The Comptroller General may conduct periodic audits of the ac-
30 tivities and transactions of the Airports Authority in accordance with
31 generally accepted management principles, and under regulations the
32 Comptroller General may prescribe. An audit shall be conducted where
33 the Comptroller General considers it appropriate. All records and prop-
34 erty of the Airports Authority shall remain in possession and custody
35 of the Airports Authority.

36 “(8) The Airports Authority shall maintain a code of ethics and fi-
37 nancial disclosure to ensure the integrity of all decisions made by its
38 board of directors and employees. The code shall include standards by
39 which members of the board will decide, for purposes of section
40 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. An action may be brought on behalf of the United States by the Attorney General, or by any aggrieved party.

“(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 Transpor-

tation to be completed at Washington Dulles International Airport and Washington National Airport within 5 years after the earliest date on which the Airports Authority issues bonds under section 49106(b)(1)(B) of this title for that improvement, construction, or rehabilitation.

“(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 is—

“(1) a public authority 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 when agreed to by the legislative authority of the other jurisdiction; and

“(B) that at least meet the specifications of this section and section 49107 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 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—

1 “(A) are not a debt of Virginia, the District of Columbia, or a politi-
2 cal subdivision of Virginia or the District of Columbia; and

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

7 “(c) BOARD OF DIRECTORS.—(1) The Airports Authority has a board of
8 directors composed of the following 11 members:

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

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

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

12 “(D) one member appointed by the President with the advice and
13 consent of the Senate.

14 “(2) The Chairman of the board shall be appointed from among the mem-
15 bers by majority vote of the members and shall serve until replaced by ma-
16 jority vote of the members.

17 “(3) Members of the board shall be appointed to the board for 6 years.

18 “(4) A member of the board—

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

20 “(B) serves without compensation except for reasonable expenses in-
21 cident to board functions; and

22 “(C) except the member appointed by the President, must reside
23 within the Washington Standard Metropolitan Statistical Area.

24 “(5) The member of the board appointed by the President may be re-
25 moved by the President for cause.

26 “(6) Seven votes are required to approve bond issues and the annual
27 budget.

28 “(d) CONFLICTS OF INTEREST.—Members of the board and their imme-
29 diate families may not be employed by or otherwise hold a substantial finan-
30 cial interest in any enterprise that has or is seeking a contract or agreement
31 with the Airports Authority or is an aeronautical, aviation services, or air-
32 port services enterprise that otherwise has interests that can be directly af-
33 fected by the Airports Authority. The official appointing a member may
34 make an exception if the financial interest is completely disclosed when the
35 member is appointed and the member does not participate in board deci-
36 sions that directly affect the interest.

37 “(e) CERTAIN ACTIONS TO BE TAKEN BY REGULATION.—An action of
38 the Airports Authority changing, or having the effect of changing, the hours
39 of operation of, or the type of aircraft serving, either of the Metropolitan
40 Washington Airports may be taken only by regulation of the Airports Au-
41 thority.

“(f) LIMITATION ON AUTHORITY.—If the Board of Review established under section 49107 of this title cannot carry out its duties and powers under this chapter because of a judicial order, the Airports Authority may not carry out any action required to be submitted to the Board under section 49107(g) of this title.

“(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. Board of Review

“(a) COMPOSITION.—(1) Action and requests of the board of directors of the Metropolitan Washington Airports Authority may be reviewed under this section by the Board of Review of the Airports Authority. The Board of Review represents the interests of users of the Metropolitan Washington Airports and is composed of 9 members appointed by the board of directors as follows:

“(A) 4 individuals from a list provided by the Speaker of the House of Representatives.

“(B) 4 individuals from a list provided by the President pro tempore of the Senate.

“(C) one individual chosen alternately from a list provided by the Speaker of the House of Representatives and from a list provided by the President pro tempore of the Senate.

“(2) In addition to the recommendations on a list provided under paragraph (1) of this subsection, the board of directors may request additional recommendations.

“(b) QUALIFICATIONS AND TERMS.—(1) Members of the Board of Review shall be individuals who have experience in aviation matters and in addressing the needs of airport users and who themselves are frequent users of the Metropolitan Washington Airports. A member of the Board of Review shall be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

“(2)(A) An individual appointed under subsection (a)(1) (A) or (B) of this section serves for 6 years or until the individual’s successor has taken office.

1 “(B) An individual appointed under subsection (a)(1)(C) of this section
2 serves for 2 years or until the individual’s successor has taken office.

3 “(3) A member of the Board of Review may be removed only for cause
4 by a two-thirds vote of the board of directors.

5 “(c) VACANCIES.—(1) A vacancy on the Board of Review is filled in the
6 same way as the original appointment was made. An individual appointed
7 to fill a vacancy occurring before the end of the term for which the prede-
8 cessor of that individual was appointed is appointed for the remainder of
9 that term.

10 “(2) If the Board of Review has more than 4 vacancies and lists have
11 been provided for appointments to fill the vacancies, the Airports Authority
12 may not carry out any action required to be submitted to the Board under
13 subsection (g) of this section.

14 “(d) CONFLICTS OF INTEREST.—Every contract or agreement made or
15 entered into, or accepted by or on behalf of the Airports Authority, shall
16 contain an express condition that members of the Board of Review may not
17 have a share or part of, or receive any benefit from, the contract or agree-
18 ment.

19 “(e) LIABILITY.—A member of the Board of Review is not liable in con-
20 nection with any claim, action, or proceeding arising from service on the
21 Board.

22 “(f) ADMINISTRATIVE.—(1) The Board of Review shall establish proce-
23 dures for conducting its business. The procedures may include requirements
24 for a quorum at meetings and for proxy voting and for the selection of a
25 Chairman. The Board shall meet at least once each year and shall meet at
26 the call of the chairman or 3 members of the Board. A decision of the
27 Board under subsection (g) or (h) of this section must be by a vote of at
28 least 5 members of the Board.

29 “(2) The Board of Review may hire 2 staff individuals to be paid by the
30 Airports Authority. The Airports Authority shall provide clerical and sup-
31 port staff that the Board may require.

32 “(3) Members of the Board of Review may participate as nonvoting mem-
33 bers in meetings of the board of directors of the Airports Authority.

34 “(g) REVIEW OF ACTIONS OF THE AIRPORTS AUTHORITY.—(1) The fol-
35 lowing actions of the Airports Authority must be submitted to the Board
36 of Review at least 30 days (or at least 60 days for the annual budget) be-
37 fore the actions become effective:

38 “(A) the adoption of an annual budget and any amendments to the
39 budget.

40 “(B) the authorization for the issuance of bonds and an annual plan
41 for issuance of bonds and any amendments to the plan.

1 “(C) the adoption, amendment, or repeal of a regulation.

2 “(D) the adoption or revision of a master plan.

3 “(E) the appointment of the chief executive officer.

4 “(F) the award of a contract (except a contract related to the issu-
5 ance or sale of bonds that is executed within 30 days of the date of
6 issuance of the bonds) that has been approved by the board of directors
7 of the Airports Authority.

8 “(G) any action of the board of directors approving a terminal de-
9 sign or airport layout or a modification of the design or layout.

10 “(H) the authorization for the acquisition or disposal of land and the
11 grant of a long-term easement.

12 “(2)(A) The Board of Review may make recommendations to the board
13 of directors regarding an action within the later of—

14 “(i) 30 calendar days of its submission under this subsection; or

15 “(ii) 10 calendar days (excluding Saturdays, Sundays, and holidays,
16 and any day on which neither House of Congress is in session because
17 of an adjournment sine die, a recess of more than 3 days, or an ad-
18 journment of more than 3 days) of its submission under this sub-
19 section.

20 “(B) The recommendations may include a recommendation that the ac-
21 tion not take effect. If the Board of Review does not make a recommenda-
22 tion in the applicable review period under this paragraph or if the Board
23 of Review decides during the review period that it will not make a rec-
24 ommendation on an action, the action may take effect.

25 “(3) If the Board of Review makes a recommendation, an action takes
26 effect only if the board of directors—

27 “(A) adopts the recommendation; or

28 “(B) evaluates the recommendation and responds, in writing, to the
29 Board of Review and transmits the action, evaluation, and response to
30 Congress as provided under paragraph (4) of this subsection and the
31 60-calendar day period described in paragraph (4) expires.

32 “(4) If the board of directors does not adopt a recommendation of the
33 Board of Review regarding an action, the board of directors shall transmit
34 to the Speaker of the House of Representatives and the President of the
35 Senate a detailed description of the action, the recommendation of the
36 Board of Review regarding the action, and the evaluation and response of
37 the board of directors to the recommendation. The action may not take ef-
38 fect until the expiration of 60 calendar days (excluding Saturdays, Sundays,
39 and holidays, and any day on which neither House of Congress is in session
40 because of an adjournment sine die, a recess of more than 3 days, or an

adjournment of more than 3 days) beginning on the day on which the board of directors transmits the material.

“(5) Unless an annual budget for a fiscal year has taken effect in accordance with this procedure, the Airports Authority may obligate or expend money in the fiscal year only for—

“(A) debt service on previously authorized obligations; and

“(B) obligations and expenditures for previously authorized capital expenditures and routine operating expenses.

“(h) REQUEST FOR CONSIDERATION OF OTHER MATTERS.—The Board of Review may request the Airports Authority to consider and vote, or to report, on any matter related to the Metropolitan Washington Airports. On receiving a request, the Airports Authority shall consider and vote, or report, on the matter as promptly as feasible.

“(i) CONGRESSIONAL DISAPPROVAL PROCEDURE.—(1) In this subsection, ‘resolution’—

“(A) means a joint resolution related to an action about which the Board of Review transmits material to Congress under subsection (g)(4) of this section, the matter after the resolving clause of which is as follows: ‘That the Congress disapproves of the action of the board of directors of the Metropolitan Washington Airports Authority described as follows: _____.’, with the blank space being filled appropriately; but

“(B) does not include a resolution that specifies more than one action.

“(2) This subsection is enacted by Congress—

“(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and these provisions—

“(i) are deemed a part of the rule of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this subsection; and

“(ii) supersede other rules only to the extent that they are inconsistent with the other rules; and

“(B) with complete recognition of the constitutional right of either House to change the rule (as it relates to the procedure of that House) at any time, in the same way, and to the same extent as any other rule of that House.

“(3) A resolution shall be referred to the Committee on Transportation and Infrastructure of the House of Representatives, or the Committee on Commerce, Science, and Transportation of the Senate, by the Speaker of

1 the House of Representatives or the President of the Senate, as the case
2 may be.

3 “(4)(A) If the committee to which a resolution has been referred does not
4 report the resolution within 20 calendar days after it is introduced, a motion
5 is in order to discharge the committee from further consideration of the res-
6 olution or any other resolution related to the action of the board of directors
7 that has been referred to the committee.

8 “(B) A motion to discharge may be made only by an individual favoring
9 the resolution and is highly privileged (except that the motion may not be
10 made after the committee has reported a resolution on the same action).
11 Debate on the motion is limited to not more than one hour, to be divided
12 equally between those favoring and those opposing the resolution. An
13 amendment to the motion is not in order. A motion to reconsider the vote
14 by which the motion is agreed to or disagreed to is not in order.

15 “(C) Motions to postpone shall be decided without debate.

16 “(D) If the motion to discharge is agreed to or disagreed to, the motion
17 may not be renewed and another motion to discharge the committee from
18 another resolution on the same action may not be made.

19 “(5)(A) After the Committee on Commerce, Science, and Transportation
20 of the Senate reports, or is discharged from further consideration of, a reso-
21 lution, a motion to proceed to the consideration of the resolution is in order
22 at any time, even though a similar previous motion has been disagreed to.
23 The motion is highly privileged and is not debatable. An amendment to the
24 motion is not in order. A motion to reconsider the vote by which the motion
25 is agreed to or disagreed to is not in order.

26 “(B) Debate in the Senate on the resolution is limited to not more than
27 10 hours, to be divided equally between those favoring and those opposing
28 the resolution. A motion further to limit debate is not debatable. An amend-
29 ment to, or motion to recommit, the resolution is not in order. A motion
30 to reconsider the vote by which the resolution is agreed to or disagreed to
31 is not in order.

32 “(6) The following shall be decided in the Senate without debate:

33 “(A) a motion to postpone consideration of a resolution.

34 “(B) a motion to proceed to the consideration of other business.

35 “(C) an appeal from a decision of the chair related to the application
36 of the rules of the Senate to the procedures related to a resolution.

37 “(7) The following procedures apply if, before the passage by one House
38 of a joint resolution of that House, that House receives from the other
39 House a joint resolution:

1 “(A) The joint resolution of the other House shall not be referred
2 to a committee and, except as provided in subparagraph (B) of this
3 paragraph, may not be considered in the House receiving it.

4 “(B) With respect to a joint resolution described in subparagraph
5 (A) of this paragraph of the House receiving the joint resolution—

6 “(i) the procedure in that House shall be the same as if no joint
7 resolution had been received from the other House; but

8 “(ii) the vote on final passage shall be on the joint resolution
9 of the other House.

10 “(C) On disposition of the joint resolution received from the other
11 House, consideration of the joint resolution that originated in the re-
12 ceiving House is not in order.

13 **“§49108. Federal employees at Metropolitan Washington**
14 **Airports**

15 “(a) LABOR AGREEMENTS.—(1) The Metropolitan Washington Airports
16 Authority adopted all labor agreements that were in effect on June 7, 1987.
17 Unless the parties otherwise agree, the agreements must be renegotiated be-
18 fore June 7, 1992.

19 “(2) Employee protection arrangements made under this section shall en-
20 sure, during the 50-year lease term, the continuation of all collective bar-
21 gaining rights enjoyed by transferred employees retained by the Airports
22 Authority.

23 “(b) CIVIL SERVICE RETIREMENT.—Any Federal employee who trans-
24 ferred to the Airports Authority and who on June 6, 1987, was subject to
25 subchapter III of chapter 83 or chapter 84 of title 5, is subject to sub-
26 chapter III of chapter 83 or chapter 84 for so long as continually employed
27 by the Airports Authority without a break in service. For purposes of sub-
28 chapter III of chapter 83 and chapter 84, employment by the Airports Au-
29 thority without a break in continuity of service is deemed to be employment
30 by the United States Government. The Airports Authority is the employing
31 agency for purposes of subchapter III of chapter 83 and chapter 84 and
32 shall contribute to the Civil Service Retirement and Disability Fund
33 amounts required by subchapter III of chapter 83 and chapter 84.

34 “(c) ACCESS TO RECORDS.—The Airports Authority shall allow represent-
35 atives of the Secretary of Transportation adequate access to employees and
36 employee records of the Airports Authority when needed to carry out a duty
37 or power related to the period before June 7, 1987. The Secretary shall pro-
38 vide the Airports Authority access to employee records of transferring em-
39 ployees for appropriate purposes.

1 **“§ 49109. Nonstop flights**

2 “An air carrier may not operate an aircraft nonstop in air transportation
3 between Washington National Airport and another airport that is more than
4 1,250 statute miles away from Washington National Airport.

5 **“§ 49110. Relationship to and effect of other laws**

6 “(a) SAME POWERS AND RESTRICTIONS UNDER OTHER LAWS.—To en-
7 sure that the Metropolitan Washington Airports Authority has the same
8 proprietary powers and is subject to the same restrictions under United
9 States law as any other airport except as otherwise provided in this chapter,
10 during the period that the lease authorized by section 6005 of the Metro-
11 politan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat.
12 1783–375, Public Law 99–591, 100 Stat. 3341–378) is in effect—

13 “(1) the Metropolitan Washington Airports are deemed to be public
14 airports for purposes of chapter 471 of this title; and

15 “(2) the Act of June 29, 1940 (ch. 444, 54 Stat. 686), the First
16 Supplemental Civil Functions Appropriations Act, 1941 (ch. 780, 54
17 Stat. 1030), and the Act of September 7, 1950 (ch. 905, 64 Stat. 770),
18 do not apply to the operation of the Metropolitan Washington Airports,
19 and the Secretary of Transportation is relieved of all responsibility
20 under those Acts.

21 “(b) INAPPLICABILITY OF CERTAIN LAWS.—The Metropolitan Washing-
22 ton Airports and the Airports Authority are not subject to the requirements
23 of any law only because the United States Government retains the fee sim-
24 ple title to those airports or because of the authority of the Board of Review
25 under section 49107 of this title.

26 “(c) POLICE POWER.—Virginia has concurrent police power authority
27 over the Metropolitan Washington Airports, and the courts of Virginia may
28 exercise jurisdiction over Washington National Airport.

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

32 “(2) The Airports Authority shall consult with—

33 “(A) the Commission and the Advisory Council on Historic Preserva-
34 tion before undertaking any major alterations to the exterior of the
35 main terminal at Washington Dulles International Airport; and

36 “(B) the Commission before undertaking development that would
37 alter the skyline of Washington National Airport when viewed from the
38 opposing shoreline of the Potomac River or from the George Washing-
39 ton Parkway.

40 “(e) OPERATION LIMITATIONS.—The Administrator of the Federal Avia-
41 tion 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.

“§ 49111. Separability

“Except as provided in section 49106(f) of this title, if a 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.”.

(69)(A) Insert after section 50105 the following:

“CHAPTER 503—TIME LIMITATIONS ON BRINGING CERTAIN CIVIL ACTIONS INVOLVING GENERAL AVIATION AIRCRAFT

“Sec.

“50301. Accidents involving general aviation aircraft.

“§ 50301. Accidents involving general aviation aircraft

“(a) DEFINITIONS AND APPLICATION.—(1) In this section—

“(A) ‘airworthiness certificate’ means an airworthiness certificate issued under section 44704(c) of this title.

“(B) ‘general aviation aircraft’ means an aircraft—

“(i) for which the Administrator of the Federal Aviation Administration has issued a type certificate or airworthiness certificate;

“(ii) that had a maximum seating capacity of fewer than 20 passengers when the certificate originally was issued; and

“(iii) that, at the time of the accident, was not engaged in scheduled passenger-carrying operations, as defined under regulations in effect under part A of this subtitle at the time of the accident.

“(C) ‘type certificate’ means a type certificate issued under section 44704(a) of this title.

“(2) This section applies only to a civil action brought after August 16, 1994.

“(b) GENERAL.—A civil action for damages for death or injury to individuals or damage to property arising out of an accident involving a general aviation aircraft may be brought against the manufacturer of the aircraft or the manufacturer of a new component, system, subassembly, or other part of the aircraft, in its capacity as a manufacturer, only if the accident occurs during the 18-year period beginning on the date—

“(1)(A) the aircraft is delivered to the first purchaser or lessee, if delivered directly from the manufacturer; or

“(B) of the first delivery of the aircraft to a person that sells or leases general aviation aircraft; or

“(2) the replacement of a component, system, subassembly, or other part originally in the aircraft by, or the addition of, a new component, system, subassembly, or other part alleged to have caused the death, injury, or damage, is completed.

“(c) EXCEPTIONS.—Subsection (b) of this section does not apply—

“(1) if the claimant pleads with specificity the information necessary to prove, and proves, that, with respect to a type or airworthiness certificate for, or obligations related to the continuing airworthiness of, an aircraft or a component, system, subassembly, or other part of an aircraft, the manufacturer knowingly misrepresented to, or concealed or withheld from, the Administrator required information that is material or relevant to the performance, maintenance, or operation of the aircraft, component, system, subassembly, or other part that causally is related to the harm the claimant allegedly suffered;

“(2) if the individual for whose injury or death the claim is being made is a passenger for purposes of receiving treatment for a medical or other emergency or was not on the aircraft at the time of the accident; or

“(3) to an action brought under a written warranty enforceable under law except for this section.

“(d) RELATIONSHIP TO OTHER LAWS.—This section supersedes State law to the extent the State law allows a civil action described in subsection (b) of this section to be brought after 18 years.”.

(B) In the analysis for subtitle VII, insert after item 501 the following:

“503. TIME LIMITATIONS ON BRINGING CERTAIN CIVIL ACTIONS INVOLVING GENERAL AVIATION AIRCRAFT 50301”.

(70) In section 60101, strike “(a)” and substitute “(a) GENERAL.—”.

(71) In section 70113(e)(6)(D), insert “a” before “resolution”.

SEC. 6. TECHNICAL CHANGES TO OTHER LAWS.

(a) Effective July 5, 1994—

(1) Section 4 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1360), is amended as follows:

(A) Subsection (f)(1)(S) is amended to read as follows:

“(S) In section 6101(4)(B), strike ‘agency’ the 2d time it appears and substitute ‘agency.’”.

(B) In subsection (j)(18), strike “10530(i)(3)” and substitute “10530(i)(2)”.

(2) Section 5(e)(11) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1374), as amended by section 7(a)(4)(A) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4389), is amended to read as follows:

“(11) In section 2516(1)(j), strike ‘section’ the first place it appears and all that follows and substitute ‘section 60123(b) (relating to destruction of a natural gas pipeline) or section 46502 (relating to aircraft piracy) of title 49;’.”.

(b) Effective August 26, 1994—

(1) Section 105(b)(2) of the Hazardous Materials Transportation Act of 1994 (title I of Public Law 103–311, 108 Stat. 1674) is amended to read as follows:

“(2) by striking ‘the State’ the first place it appears;”.

(2) Section 208(d)(1) of the Trucking Industry Regulatory Reform Act of 1994 (title II of Public Law 103–311, 108 Stat. 1688) is amended to read as follows:

“(1) by inserting ‘of passengers or household goods’ after ‘contract carrier’ the first time those words appear.”.

(c) Effective October 31, 1994, section 6(44)(B) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4383), is amended to read as follows:

“(B) Add before the period at the end ‘of this title’.”.

(d) Effective November 2, 1994, section 10(c)(2)(A) of the Act of November 2, 1994 (Public Law 103–437, 108 Stat. 4589), is repealed and section 107(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450k(b)), as amended by section 105(1) of the Indian Self-Determination Act (Public Law 103–413, 108 Stat. 4269), is revived and shall read as if section 10(c)(2)(A) of the Act of November 2, 1994 (Public Law 103–437, 108 Stat. 4589), had not been enacted.

(e) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451) is amended by striking “such Secretary” and substituting “the Secretary”.

(f) Section 917(a)(4) of the Consumer Credit Protection Act (15 U.S.C. 1693o(a)(4)) is amended by striking “Civil Aeronautics Board” and substituting “Secretary of Transportation”.

(g) In section 17(d) of the Noise Control Act of 1972 (Public Law 92–574, 86 Stat. 1249), strike “such terms have under the first section of the Act of February 17, 1911 (45 U.S.C. 22)” and substitute “the term ‘railroad carrier’ has in section 20102 of title 49, United States Code”.

(h) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended as follows:

(1) In section 101(26), strike “the Pipeline Safety Act” and substitute “section 60101(a) of title 49, United States Code”.

(2) In section 107(c)(1)(C), strike “the Hazardous Liquid Pipeline Safety Act of 1979” and substitute “section 60101(a) of title 49, United States Code”.

SEC. 7. REPEAL OF OTHER LAWS.

The following are repealed:

(1) Section 119 “Sec. 404(f)” of the Amtrak Reorganization Act of 1979 (Public Law 96–73, 93 Stat. 547).

(2) Sections 1(a)(3) and (b), 2, and 4–6 of the Reorganization Plan No. 2 of 1968 (effective June 30, 1968, 82 Stat. 1369, 1370).

(3) Section 5005 of the Intermodal Surface Transportation Efficiency Act (49 U.S.C. 301(note)).

(4) Section 317 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (49 U.S.C. 44502(note)).

SEC. 8. EFFECTIVE DATE.

The amendments made by section 5 (44), (48), (49), (52), and (61) of this Act shall take effect on July 5, 1994.

SEC. 9. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—This Act restates, without substantive change, laws enacted before September 1, 1995, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after August 31, 1995, 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 catchline 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 applica-

1 tions, the provision remains valid for all valid applications that are severable
 2 from any of the invalid applications.

3 **SEC. 10. REPEALS.**

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

7 (b) REPEALER SCHEDULE.—The laws specified in the following schedule
 8 are repealed, except for rights and duties that matured, penalties that were
 9 incurred, and proceedings that were begun before the date of enactment of
 10 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
1916 Sept. 3, 5	436		39	721, 722 ...	45	65, 66
1986 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		
1994 Aug. 17	103–298 .		108	1552	49	40101(note)



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HR 2297 IH—4

HR 2297 IH—5

104TH CONGRESS
1ST SESSION

H. R.

IN THE HOUSE OF REPRESENTATIVES

Mr. introduced the following bill; which was referred to the Committee on

A BILL

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*