

House Calendar No. 222

104TH CONGRESS
2^D Session

H. R. 2297

[Report No. 104-573]

A BILL

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

May 14, 1996

Reported with an amendment, referred to the House Calendar, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 1995

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

MAY 14, 1996

Reported with an amendment, referred to the House Calendar, and
ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on September 12, 1995]

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,*

SECTION 1. TITLE 18, UNITED STATES CODE.

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

(1) In the matter before clause (1), strike “the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act” and substitute “titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321–331 of title 49”.

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

SEC. 2. TITLE 23, UNITED STATES CODE.

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

SEC. 3. TITLE 28, UNITED STATES CODE.

In section 1445(a) of title 28, United States Code, strike “sections 51–60 of Title 45” and substitute “sections 1–4 and 5–10 of the Act of April 22, 1908 (45 U.S.C. 51–54, 55–60)”.

SEC. 4. TITLE 31, UNITED STATES CODE.

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

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

(2) Section 9101 is amended as follows:

(A) Clause (2)(J) is repealed.

(B) Redesignate clauses (2)(K) through the end as clauses (2)(J) through the end.

(C) In clause (3)(B), strike “Fund;” and substitute “Fund.”.

(D) Clause (3)(N), as added by section 902(b) of the Energy Policy Act of 1992 (Public Law 102–486, 106 Stat. 2944), is redesignated as clause (3)(O).

SEC. 5. TITLE 49, UNITED STATES CODE.

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

(1) In section 106(b), strike “the date of the enactment of this sentence” and substitute “August 23, 1994,”.

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

(3) Section 329 is amended as follows:

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

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

3 (4) In section 521(b)(1)(B), strike “the date of enactment of this sub-
4 paragraph” and substitute “November 3, 1990”.

5 (5) Section 701(b)(4) is amended as follows:

6 (A) Strike “the effective date of this section” and substitute “Jan-
7 uary 1, 1996”.

8 (B) Strike “the date of the enactment of the ICC Termination Act
9 of 1995” and substitute “December 29, 1995,”.

10 (6) In section 702, strike “the effective date of such Act” and substitute
11 “January 1, 1996”.

12 (7) In section 726(a), strike “the date of enactment of the ICC Termi-
13 nation Act of 1995” and substitute “December 29, 1995”.

14 (8) In section 5116(j)(4)(A), strike “subsection (g)” and substitute
15 “section 5115 of this title”.

16 (9) In sections 5119(b)(2), 5309 (g)(1)(B) and (m)(3), 5328(b)(3),
17 5334(b)(1), 5335(b)–(d), 31134(c)(1) (B) and (C) and (2), 40112(e)(2),
18 41105(b), 41310(f), 41714(e)(2), 42104(b), 44506(d), 44913(a)(2),
19 47107(k), 48102(d)(2), and 48109, strike “Public Works and Transpor-
20 tation” and substitute “Transportation and Infrastructure”.

21 (10) Section 5303 is amended as follows:

22 (A) In subsection (f)(2), strike “subsection (e)” and substitute
23 “subsection (b)”.

24 (B) In subsection (h)(4), strike “section 5338(g)(1)” and sub-
25 stitute “section 5338(g)”.

26 (11) Section 5307 is amended as follows:

27 (A) In subsection (a)(2)(A), strike “title;” and substitute “title;
28 or”.

29 (B) In subsection (a)(2)(B), strike “transportation; or” and sub-
30 stitute “transportation.”.

31 (C) Strike subsection (a)(2)(C).

32 (D) In subsection (d)(1)(H), strike “5301 (a) and (d), 5303–5306,
33 and 5310(a)–(d)” and substitute “5301 (a) and (d) and 5303–
34 5306”.

35 (12) Section 5309 is amended as follows:

36 (A) In subsection (a)—

37 (i) insert “(1)” before “The Secretary”;

38 (ii) redesignate clauses (1)–(7) as clauses (A)–(G), respec-
39 tively;

40 (iii) redesignate subclauses (A) and (B) as subclauses (i)
41 and (ii), respectively; and

1 (iv) insert at the end the following:

2 “(2) The Secretary of Transportation shall require that all grants and
3 loans under this subsection be subject to all terms, requirements, and provi-
4 sions the Secretary decides are necessary or appropriate for the purposes of
5 this section, including requirements for the disposition of net increases in
6 value of real property resulting from the project assisted under this section.”.

7 (B) In subsection (e)(4)(B), strike “paragraph (1)(B)” and sub-
8 stitute “paragraph (2)(B)”.

9 (C) In subsection (m)(1)(A), insert “rail” before “fixed guideway
10 modernization”.

11 (13) Section 5315(d) is amended by striking “5304 and 5306” and
12 substituting “5307 and 5309”.

13 (14) Section 5317(b)(5) is amended as follows:

14 (A) In subparagraph (C), strike “under this paragraph” and sub-
15 stitute “under subparagraph (B) of this paragraph”.

16 (B) In subparagraph (D), strike “(except this paragraph)”.

17 (15) Section 5323 (b)(1), (c), and (e) is amended by striking “(except
18 section 5307)” wherever it appears.

19 (16) The catchline for section 5325(d) is amended by striking “MAN-
20 AGEMENT, ARCHITECTURAL, AND ENGINEERING CONTRACTS.” and sub-
21 stituting “ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.”.

22 (17) Section 5327(c) is amended by striking “to carry out a major
23 project under section 5307” and substituting “to carry out a major
24 project under section 5309”.

25 (18) In section 5335(d)(2)(B), strike “With” and substitute “with”.

26 (19) Section 5336(b)(2) is amended as follows:

27 (A) In subparagraphs (A) and (B), add at the end the following:
28 “An urbanized area with a population of at least 750,000 in which com-
29 muter rail transportation is provided shall receive at least .75 percent
30 of the total amount apportioned under this subparagraph.”.

31 (B) Strike subparagraph (C).

32 (C) Redesignate subparagraphs (D) and (E) as subparagraphs
33 (C) and (D), respectively.

34 (20) Section 5338(g)(2) is amended by striking “section 5308(b)(2)”
35 and substituting “section 5311(b)(2)”.

36 (21) In section 10501(c)(3)(B), strike “the effective date of the ICC
37 Termination Act of 1995” and substitute “January 1, 1996”.

38 (22) In section 10701(d)(3), strike “the effective date of this para-
39 graph” and substitute “January 1, 1996”.

40 (23) In section 10704(d), strike “the effective date of the ICC Termi-
41 nation Act of 1995” and substitute “January 1, 1996”.

(24) In sections 10706(a)(5)(C) and 10709(e), strike “the effective date of the Staggers Rail Act of 1980” and substitute “October 1, 1980.”

(25) In sections 11101(f) and 11301(f), strike “the effective date of the ICC Termination Act of 1995” and substitute “January 1, 1996”.

(26)(A) The heading for part B of subtitle IV is amended to read as follows:

**“PART B—MOTOR CARRIERS, WATER CARRIERS,
BROKERS, AND FREIGHT FORWARDERS”.**

(B) The heading for chapter 131 is amended to read as follows:

“CHAPTER 131—GENERAL PROVISIONS”.

(27) Section 13102 is amended as follows:

(A) In clause (4)(A), strike—

(i) “the effective date of this section” and substitute “January 1, 1996”; and

(ii) “the day before the effective date of this section” and substitute “December 31, 1995”.

(B) In clause (4)(B), strike “on or after such date” and substitute “after December 31, 1995”.

(28) Section 13703 is amended as follows:

(A) In subsection (e), strike—

(i) “the day before the effective date of this section” and substitute “December 31, 1995.”; and

(ii) “such effective date” and substitute “January 1, 1996”.

(B) In subsection (f)(2), strike “the day before the effective date of this section” and substitute “December 31, 1995”.

(29) Section 13709 is amended as follows:

(A) In subsection (a)(1) and (3), strike “the day before the effective date of this section” and substitute “December 31, 1995”.

(B) In subsection (e), strike—

(i) “the effective date of this section” and substitute “January 1, 1996”; and

(ii) “the day before such effective date” and substitute “December 31, 1995”.

(30) Section 13710 is amended as follows:

(A) In subsection (a)(4), strike “the effective date of this section” and substitute “January 1, 1996.”.

(B) In subsection (b), strike—

(i) “the day before the effective date of this section” and substitute “December 31, 1995”; and

(ii) “the effective date of this section” and substitute “January 1, 1996.”.

(31) Section 13711 is amended as follows:

(A) In subsection (a), strike—

(i) “or, before the effective date of this section” and substitute “or, before January 1, 1996”;

(ii) “the day before the effective date of this section” and substitute “December 31, 1995”; and

(iii) “provided before the effective date of this section” and substitute “provided before January 1, 1996”.

(B) In subsection (d), strike—

(i) “the effective date of this section” and substitute “January 1, 1996”; and

(ii) “the day before such effective date” and substitute “December 31, 1995”.

(C) In subsection (g), strike “the effective date of this section” and substitute “January 1, 1996”.

(32) Section 13902 is amended as follows:

(A) In subsection (b)(8)(A)—

(i) insert “and” after “(iv) any Indian tribe,”;

(ii) strike “and” after “clause (i), (ii), (iii), or (iv),”; and

(iii) strike “the effective date of this subsection” and substitute “January 1, 1996,”.

(B) In subsection (b)(8)(B), strike “the effective date of this paragraph” and substitute “January 1, 1996,”.

(C) In subsections (c)(4)(A) and (d)(1)(A) and (2), strike “the day before the effective date of this section” and substitute “December 31, 1995”.

(33) In section 13905(a), strike “the day before the effective date of this section” and substitute “December 31, 1995”.

(34) In section 13906(d), strike “the effective date of this section” and substitute “January 1, 1996,”.

(35) Section 13907(e) is amended as follows:

(A) In clause (1), strike “the day before the effective date of this section” and substitute “December 31, 1995”.

(B) In clause (2), strike “the day before such effective date” and substitute “December 31, 1995”.

(36) Section 13908 is amended as follows:

(A) In subsection (d)(1), strike “the day before the effective date of this section” and substitute “December 31, 1995”.

(B) In subsection (e), strike “the effective date of this section” and substitute “January 1, 1996”.

(37) Section 14302 is amended as follows:

1 (A) In subsection (c)(4), strike “the effective date of this section”
2 and substitute “January 1, 1996”.

3 (B) In subsection (g), strike “the effective date of this section”
4 and substitute “January 1, 1996.”.

5 (C) In subsection (h)(1), strike “the day before the effective date
6 of this section” and substitute “December 31, 1995”.

7 (D) In subsection (h)(2), strike “the day before such effective
8 date” and substitute “December 31, 1995”.

9 (38) In sections 14706(g)(3) and 14708(g), strike “the effective date of
10 this section” and substitute “January 1, 1996”.

11 (39) In section 14709, strike—

12 (A) “the effective date of this section” and substitute “January
13 1, 1996”; and

14 (B) “the day before the effective date of this section” and sub-
15 stitute “December 31, 1995”.

16 (40) The heading for part C of subtitle IV is amended to read as fol-
17 lows:

18 *“PART C—PIPELINE CARRIERS”.*

19 (41) In the analysis of chapter 151, strike—

“CHAPTER 151—GENERAL PROVISIONS”.

20 (42) In the analysis of chapter 153, strike—

“CHAPTER 153—JURISDICTION”.

21 (43) The analysis and subchapter headings of chapter 157 are amend-
22 ed as follows:

23 (A) The analysis of chapter 157 is amended as follows:

24 (i) Strike—

“CHAPTER 157—OPERATIONS OF CARRIERS”.

25 (ii) Strike—

“SUBCHAPTER A—GENERAL REQUIREMENTS”

26 and substitute—

“SUBCHAPTER A—GENERAL REQUIREMENTS”.

27 (iii) Strike—

“SUBCHAPTER B—OPERATIONS OF CARRIERS”

28 and substitute

“SUBCHAPTER B—OPERATIONS OF CARRIERS”.

29 (B)(i) The heading for subchapter A is amended to read as fol-
30 lows:

31 *“SUBCHAPTER A—GENERAL REQUIREMENTS”.*

32 (ii) The heading for subchapter B is amended to read as follows:

1 “SUBCHAPTER B—OPERATIONS OF CARRIERS”.

2 (44) *Section 15701(e) is amended by striking “the effective date of this*
3 *section” and substituting “January 1, 1996”.*

4 (45) *The analysis of chapter 159 is amended as follows:*

5 (A) *Strike—*

“CHAPTER 159—ENFORCEMENT; INVESTIGATIONS, RIGHTS, AND REMEDIES”.

6 (B) *Strike the item related to section 15907.*

7 (46) *In the analysis of chapter 161, strike—*

“CHAPTER 161—CIVIL AND CRIMINAL PENALTIES”.

8 (47) *Section 20133(b) is amended as follows:*

9 (A) *In paragraph (1), strike “the date of enactment of the Federal*
10 *Railroad Safety Authorization Act of 1994” and substitute “Novem-*
11 *ber 2, 1994”.*

12 (B) *In paragraph (2), strike “such date of enactment” and sub-*
13 *stitute “November 2, 1994”.*

14 (48) *In sections 20134(c)(2), 20145, 22108(b), 24314(b), 24702(c), and*
15 *24903(a), strike “Committee on Energy and Commerce” and substitute*
16 *“Committee on Transportation and Infrastructure”.*

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

20 (50) *In section 20152(b), strike “the date of enactment of this section”*
21 *and “that date” and substitute “November 2, 1994” and “November 2,*
22 *1994,” respectively.*

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

25 (52) *Add at the end of section 20301(b) the following:*

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

27 (53) *In section 21301(a)(1)—*

28 (A) *insert “A person may not fail to comply with a regulation*
29 *prescribed or order issued by the Secretary of Transportation under*
30 *chapter 201 of this title.” before “Subject to ”; and*

31 (B) *strike “Secretary of Transportation under chapter 201 of this*
32 *title is liable” and substitute “Secretary under chapter 201 is lia-*
33 *ble”.*

34 (54) *In section 21303(a)(1), strike “chapter 211 of this title” and sub-*
35 *stitute “chapter 211 of this title,”.*

36 (55) *In section 22106(b), insert “in the same manner and under the*
37 *same conditions as if they were originally granted to the State by the*
38 *Secretary of Transportation” after “under this chapter”.*

39 (56)(A) *Insert after chapter 281 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 than one year, or both.”.

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

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

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

(59) In section 30308, insert a comma after “1994”.

(60) In section 31136(e)(2)(A) and (J)(i) and (ii) and (3), strike “the date of the enactment of this paragraph” and substitute “November 28, 1995”.

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

(62) Section 32705 is amended as follows:

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

“(a)(1) *DISCLOSURE REQUIREMENTS.*—Under regulations prescribed by the Secretary of Transportation that include the way in which information is disclosed and retained under this section, a person transferring ownership of a motor vehicle shall give the transferee the following written disclosure:

“(A) Disclosure of the cumulative mileage registered on the odometer.

“(B) Disclosure that the actual mileage is unknown, if the transferor knows that the odometer reading is different from the number of miles the vehicle has actually traveled.

“(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.”.

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

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

(64) 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”.

(65) In section 40109(c)—

(A) strike “sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, and 41731–41742,” and substitute “chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),”; and

(B) strike “section 46301(b)” and substitute “sections 44909 and 46301(b)”.

(66) 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.

(67) 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).

(68) Section 40118 is amended as follows:

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

(B) In subsection (f)(1), strike “(f)(1) No” and substitute “(f) PROHIBITION OF CERTIFICATION OR CONTRACT CLAUSE.—(1) No”.

(69)(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.”.

(70) Add at the end of section 41109(a) the following:

“(5) As prescribed by regulation by the Secretary, an air carrier other than a charter air carrier may provide charter trips or other special services without regard to the places named or type of transportation specified in its certificate.”.

(71) In section 41309(b)(2)(B), strike “common”.

(72) In section 41312(a)(1), insert “of Transportation” after “Secretary”.

(73) 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”.

(74) In section 41715(a), strike “Secretary’s” and substitute “Secretary of Transportation’s”.

(75) 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”.

(76) 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).

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

(78) *Section 46301 is amended as follows:*

(A) *In subsection (a)(1)(A)—*

(i) *strike “any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742,” and substitute “chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),”;*

(ii) *strike “or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44909(a), 44912–44915, 44932–44938,” and substitute “section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), and 44908), or section”;*

(iii) *insert “or” after “46303,”; and*

(iv) *strike “, or 41715”.*

(B) *In subsection (a)(2)(A), strike “or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44912–44915, or 44932–44938” and substitute “, section 44502(b) or (c), chapter 447 (except sections 44717–44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)”.*

(C) *Adjust the margins of clauses (A) and (B) of subsection (a)(3) to be the same as clauses (A) and (B) of subsection (a)(2).*

(D) *In subsection (c)(1)(A)—*

(i) *strike “any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742,” and substitute “chapter 413 (except sections 41307 and 41310(b)–(f)), chapter 415 (except sections 41502, 41505, and 41507–41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714),”;*

(ii) *strike “or” before “subchapter II”;* and

(iii) *insert “, or section 44909” before “of this title”.*

(E) *In subsection (d)(2), strike “or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44912–44915, 44932–44938,” and substitute “section 44502(b) or (c), chapter 447 (except sections 44717 and 44719–44723), chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909), or section”.*

(F) *In subsection (f)(1)(A)(i), strike “or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906,*

1 44907(d)(1)(B), 44912–44915, or 44932–44938” and substitute “sec-
 2 tion 44502(b) or (c), chapter 447 (except sections 44717 and 44719–
 3 44723), or chapter 449 (except sections 44902, 44903(d), 44904,
 4 44907(a)–(d)(1)(A) and (d)(1)(C)–(f), 44908, and 44909)”.

5 (79) In section 46306(c)(2)(B), insert “that is” before “provided”.

6 (80) In section 46316(b), strike “and sections 44701(a) and (b),
 7 44702–44716, 44901, 44903(b) and (c), 44905, 44906, 44912–44915, and
 8 44932–44938” and substitute “chapter 447 (except sections 44717–
 9 44723), and chapter 449 (except sections 44902, 44903(d), 44904, and
 10 44907–44909)”.

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

13 (82) Section 47115 is amended as follows:

14 (A) Subsection (f)(2) as enacted by section 112(d) of the Federal
 15 Aviation Administration Authorization Act of 1994 (Public Law
 16 103–305, 108 Stat. 1576) is amended by striking “the date of the
 17 enactment of this subsection” and substituting “August 23, 1994”.

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

21 (83) Section 47117 is amended as follows:

22 (A) In subsection (e)(1)(B), strike “47504(c)(1)” and substitute
 23 “47504(c)”.

24 (B) In subsection (g)(1), strike “47105(e)” and substitute
 25 “47105(f)”.

26 (84) Section 47118 is amended as follows:

27 (A) In subsection (a), strike “on or before the date of the enact-
 28 ment of this sentence” and substitute “before August 24, 1994”.

29 (B) In subsection (e), strike “Notwithstanding section 47109(c) of
 30 this title, not” and substitute “Not”.

31 (85) In the catchline for section 47128(d), strike “AND REPORT”.

32 (86) Section 47129 is amended as follows:

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

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

37 (C) In subsection (e)(3), strike “such date of enactment” and sub-
 38 stitute “August 23, 1994”.

39 (87) In section 47509(d), strike “the date of the enactment of this sec-
 40 tion” and substitute “August 23, 1994”.

(88) *In the catchline for section 48104(b), strike “YEARS” and substitute “YEAR”.*

(89)(A) *Part D of subtitle VII 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.*

(90) *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 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 two federally owned airports, which serve the travel and cargo needs of the entire Metropolitan Washington region as well as the District of Columbia as the national seat of government;*

“(4) *operation of the Metropolitan Washington Airports by an independent local 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 Co-

lumbia consistent with the requirements of sections 49106 and 49107 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 the Secretary of Transportation made with the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378), for the Metropolitan Washington Airports must provide during its 50-year term for at least the following:

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

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

“(i) aviation business or activities;

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

“(iii) nonprofit, public use facilities.

“(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.

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

8 “(4) *In acquiring by contract supplies or services for an amount esti-*
 9 *mated to be more than \$200,000, or awarding concession contracts, the*
 10 *Airports Authority to the maximum extent practicable shall obtain com-*
 11 *plete and open competition through the use of published competitive pro-*
 12 *cedures. By a vote of 7 members, the Airports Authority may grant ex-*
 13 *ceptions to the requirements of this paragraph.*

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

19 “(B) *Sections 159.59(a) and 159.191 of title 14, Code of Federal Regu-*
 20 *lations, do not become regulations of the Airports Authority.*

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

26 “(6)(A) *Except as specified in subparagraph (B) of this paragraph,*
 27 *the Airports Authority shall assume all rights, liabilities, and obligations*
 28 *of the Metropolitan Washington Airports on June 7, 1987, including*
 29 *leases, permits, licenses, contracts, agreements, claims, tariffs, accounts*
 30 *receivable, accounts payable, and litigation related to those rights and*
 31 *obligations, regardless whether judgment has been entered, damages*
 32 *awarded, or appeal taken. The Airports Authority must cooperate in al-*
 33 *lowing representatives of the Attorney General and the Secretary ade-*
 34 *quate access to employees and records when needed for the performance*
 35 *of duties and powers related to the period before June 7, 1987. The Air-*
 36 *ports Authority shall assume responsibility for the Federal Aviation Ad-*
 37 *ministration’s Master Plans for the Metropolitan Washington Airports.*

38 “(B) *The procedure for disputes resolution contained in any contract*
 39 *entered into on behalf of the United States Government before June 7,*
 40 *1987, continues to govern the performance of the contract unless other-*
 41 *wise agreed to by the parties to the contract. Claims for monetary dam-*

ages 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.

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

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

8 “(c) *ENFORCEMENT OF LEASE PROVISIONS.—The district courts of the*
 9 *United States have jurisdiction to compel the Airports Authority and its offi-*
 10 *cers and employees to comply with the terms of the lease. An action may be*
 11 *brought on behalf of the United States by the Attorney General, or by any*
 12 *aggrieved party.*

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

15 **“§49105. Capital improvements, construction, and rehabili-**
 16 **tation**

17 “(a) *SENSE OF CONGRESS.—It is the sense of Congress that the Metropoli-*
 18 *tan Washington Airports Authority—*

19 *“(1) should pursue the improvement, construction, and rehabilitation*
 20 *of the facilities at Washington Dulles International Airport and Wash-*
 21 *ington National Airport simultaneously; and*

22 *“(2) to the extent practicable, should cause the improvement, construc-*
 23 *tion, and rehabilitation proposed by the Secretary of Transportation to*
 24 *be completed at Washington Dulles International Airport and Washing-*
 25 *ton National Airport within 5 years after the earliest date on which the*
 26 *Airports Authority issues bonds under section 49106(b)(1)(B) of this title*
 27 *for that improvement, construction, or rehabilitation.*

28 “(b) *SECRETARY’S ASSISTANCE.—The Secretary shall assist the 3 airports*
 29 *serving the District of Columbia metropolitan area in planning for oper-*
 30 *ational and capital improvements at those airports and shall accelerate con-*
 31 *sideration of applications for United States Government financial assistance*
 32 *by whichever of the 3 airports is most in need of increasing airside capacity.*

33 **“§49106. Metropolitan Washington Airports Authority**

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

35 *“(1) a public body corporate and politic with the powers and jurisdic-*
 36 *tion—*

37 *“(A) conferred upon it jointly by the legislative authority of Vir-*
 38 *ginia and the District of Columbia or by either of them and con-*
 39 *curring in by the legislative authority of the other jurisdiction; and*

40 *“(B) that at least meet the specifications of this section and sec-*
 41 *tion 49107 of this title;*

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

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

6 “(b) GENERAL AUTHORITY.—(1) The Airports Authority shall be author-
7 ized—

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

10 “(B) to issue bonds from time to time in its discretion for public pur-
11 poses, including paying any part of the cost of airport improvements,
12 construction, and rehabilitation and the acquisition of real and personal
13 property, including operating equipment for the airports;

14 “(C) to acquire real and personal property by purchase, lease, trans-
15 fer, or exchange;

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

18 “(E) to levy fees or other charges; and

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

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

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

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

29 “(c) BOARD OF DIRECTORS.—(1) The Airports Authority shall be governed
30 by a board of directors composed of the following 11 members:

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

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

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

34 “(D) one member appointed by the President with the advice and con-
35 sent of the Senate.

36 “(2) The Chairman of the board shall be appointed from among the mem-
37 bers by majority vote of the members and shall serve until replaced by major-
38 ity vote of the members.

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

40 “(4) A member of the board—

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

1 “(B) serves without compensation except for reasonable expenses inci-
2 dent to board functions; and

3 “(C) except the member appointed by the President, must reside with-
4 in the Washington Standard Metropolitan Statistical Area.

5 “(5) The member of the board appointed by the President may be removed
6 by the President for cause.

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

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

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

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

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

35 **“§49107. Board of Review**

36 “(a) *COMPOSITION.*—(1) The board of directors of the Metropolitan Wash-
37 ington Airports Authority shall be subject to review of its actions and to re-
38 quests, in accordance with this section, by a Board of Review of the Airports
39 Authority. The Board of Review shall be established by the board of directors
40 to represent the interests of users of the Metropolitan Washington Airports

1 and shall be composed of 9 members appointed by the board of directors as
2 follows:

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

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

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

10 “(2) In addition to the recommendations on a list provided under para-
11 graph (1) of this subsection, the board of directors may request additional rec-
12 ommendations.

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

19 “(2) Members appointed under subsection (a)(1)(A) or (B) of this section
20 shall be appointed for terms of 6 years. Members appointed under subsection
21 (a)(1)(C) of this section shall be appointed for terms of 2 years. A member
22 may serve after the expiration of that member’s term until a successor has
23 taken office.

24 “(3) A member of the Board of Review shall be subject to removal only for
25 cause by a two-thirds vote of the board of directors.

26 “(c) *VACANCIES.*—(1) A vacancy on the Board of Review shall be filled in
27 the manner in which the original appointment was made. A member ap-
28 pointed to fill a vacancy occurring before the expiration of the term for which
29 the member’s predecessor was appointed shall be appointed only for the re-
30 mainder of that term.

31 “(2) At any time that the Board of Review has more than 4 vacancies and
32 lists have been provided for appointments to fill the vacancies, the Airports
33 Authority shall have no authority to perform any of the actions that are re-
34 quired to be submitted to the Board under subsection (g) of this section.

35 “(d) *CONFLICTS OF INTEREST.*—Every contract or agreement made or en-
36 tered into, or accepted by or on behalf of the Airports Authority, shall contain
37 an express condition that no member of a Board of Review shall be admitted
38 to any share or part of, or to any benefit to arise from, the contract or agree-
39 ment.

1 “(e) *LIABILITY.*—A member of the Board of Review shall not be liable in
2 connection with any claim, action, suit, or proceeding arising from service
3 on the Board.

4 “(f) *ADMINISTRATIVE.*—(1) The Board of Review shall establish procedures
5 for conducting its business. The procedures may include requirements for a
6 quorum at meetings and for proxy voting and for the selection of a Chairman.
7 The Board shall meet at least once each year and shall meet at the call of
8 the chairman or 3 members of the Board. Any decision of the Board under
9 subsection (g) or (h) of this section must be by a vote of at least 5 members
10 of the Board.

11 “(2) The Board of Review may hire 2 staff individuals to be paid by the
12 Airports Authority. The Airports Authority shall provide clerical and support
13 staff that the Board may require.

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

16 “(g) *REVIEW OF ACTIONS OF THE AIRPORTS AUTHORITY.*—(1) Any of the
17 following actions of the Airports Authority shall be submitted to the Board
18 of Review at least 30 days (or at least 60 days for the annual budget) before
19 the action is to become effective:

20 “(A) the adoption of an annual budget and any amendments to the
21 budget.

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

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

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

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

27 “(F) the award of a contract (except a contract in connection with the
28 issuance or sale of bonds that is executed within 30 days of the date of
29 issuance of the bonds) that has been approved by the board of directors
30 of the Airports Authority.

31 “(G) any action of the board of directors approving a terminal design
32 or airport layout or a modification of the design or layout.

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

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

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

38 “(ii) 10 calendar days (excluding Saturdays, Sundays, and holidays,
39 and any day on which neither House of Congress is in session because
40 of an adjournment sine die, a recess of more than 3 days, or an adjourn-
41 ment of more than 3 days) of its submission under this subsection.

“(B) The recommendations may include a recommendation that the action not take effect. If the Board of Review does not make a recommendation in the applicable review period under this paragraph or if at any time in the review period the Board of Review decides that it will not make a recommendation on an action, the action may take effect.

“(3) An action with respect to which the Board of Review has made a recommendation may take effect only if the board of directors—

“(A) adopts the recommendation; or

“(B) has evaluated the recommendation and responded, in writing, to the Board of Review and transmits the action, evaluation, and response to Congress in accordance with paragraph (4) of this subsection and the 60-calendar day period described in paragraph (4) expires.

“(4) If the board of directors does not adopt a recommendation of the Board of Review regarding an action, the board of directors shall transmit to the Speaker of the House of Representatives and the President of the Senate a detailed description of the action, the recommendation of the Board of Review regarding the action, and the evaluation and response of the board of directors to the recommendation. The action may not take effect until the expiration of 60 calendar days (excluding Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session 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 only a joint resolution related to an action of the board of directors transmitted 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 incon-
 sistent 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 with respect to a board of director’s action shall be re-
 ferred to the Committee on Transportation and Infrastructure of the House
 of Representatives, or the Committee on Commerce, Science, and Transpor-
 tation of the Senate, by the Speaker of the House of Representatives or the
 President of the Senate, as the case may be.

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

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

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

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

“(5)(A) After the Committee on Commerce, Science, and Transportation of
 the Senate reports, or is discharged from further consideration of, a resolu-
 tion, a motion to proceed to the consideration of the resolution is in order
 at any time, even though a similar previous motion has been disagreed to.
 The motion is highly privileged and is not debatable. An amendment to the

1 *motion is not in order. A motion to reconsider the vote by which the motion*
 2 *is agreed to or disagreed to is not in order.*

3 *“(B) Debate in the Senate on the resolution is limited to not more than*
 4 *10 hours, to be divided equally between those favoring and those opposing the*
 5 *resolution. A motion further to limit debate is not debatable. An amendment*
 6 *to, or motion to recommit, the resolution is not in order. A motion to recon-*
 7 *sider the vote by which the resolution is agreed to or disagreed to is not in*
 8 *order.*

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

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

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

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

14 *“(7) The following procedures apply if, before the passage by one House of*
 15 *a joint resolution of that House, that House receives from the other House*
 16 *a joint resolution:*

17 *“(A) The joint resolution of the other House shall not be referred to*
 18 *a committee and, except in the case of final passage as provided in sub-*
 19 *paragraph (B) of this paragraph, may not be considered in the House*
 20 *receiving it.*

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

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

25 *“(ii) the vote on final passage shall be on the joint resolution of*
 26 *the other House.*

27 *“(C) On disposition of the joint resolution received from the other*
 28 *House, consideration of the joint resolution that originated in the receiv-*
 29 *ing House is not in order.*

30 ***“§49108. Federal employees at Metropolitan Washington Air-***
 31 ***ports***

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

36 *“(2) Employee protection arrangements made under this section shall en-*
 37 *sure, during the 50-year lease term, the continuation of all collective bargain-*
 38 *ing rights enjoyed by transferred employees retained by the Airports Author-*
 39 *ity.*

40 *“(b) CIVIL SERVICE RETIREMENT.—Any Federal employee who transferred*
 41 *to the Airports Authority and who on June 6, 1987, was subject to subchapter*

III of chapter 83 or chapter 84 of title 5, is subject to subchapter III of chapter 83 or chapter 84 for so long as continually employed by the Airports Authority without a break in service. For purposes of subchapter III of chapter 83 and chapter 84, employment by the Airports Authority without a break in continuity of service is deemed to be employment by the United States Government. The Airports Authority is the employing agency for purposes of subchapter III of chapter 83 and chapter 84 and shall contribute to the Civil Service Retirement and Disability Fund amounts required by subchapter III of chapter 83 and chapter 84.

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

“§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. 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 by the United States Government of the fee simple title to those airports or because of the authority of the Board of Review under section 49107 of this title.

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

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

“(2) The Airports Authority shall consult with—

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

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

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

“§49111. Separability

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

(91) In sections 50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (89)(D) of this section, strike “sections 47106(d) and” and substitute “section”.

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

(93) In section 60114(a)(9), strike “60120, 60122, and 60123” and substitute “60120 and 60122”.

(94) In section 70102(6), strike “facilities” and substitute “facilities at that location”.

(95) In section 70112(a)(3)(B), insert “(i) or (ii)” after “(A)”.

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

(97) In section 70117(b)(2), strike “Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.)” and substitute “Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)”.

SEC. 6. TECHNICAL CHANGES TO OTHER LAWS.

(a) *Effective July 5, 1994—*

(1) Section 4(f)(1)(S) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1362), is amended to read as follows:

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

(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, 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;”.

(c) Effective September 30, 1994, section 335A of the Department of Transportation and Related Agencies Appropriations Act, 1995 (Public Law 103–331, 108 Stat. 2495) is amended to read as follows:

“SEC. 335A. Section 5302(a)(1) of title 49, United States Code, is amended by inserting ‘payments for the capital portions of rail trackage rights agreements,’ after ‘rights of way,’”.

(d) Effective October 31, 1994—

(1) Section 6 of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4378), is amended as follows:

(A) Clause (41) is amended to read as follows:

“(41) Section 32913(b) is amended as follows:

“(A) In the catchline, strike ‘PENALTY REDUCTION’ and substitute ‘CERTIFICATION’.

“(B) In paragraph (1), strike ‘the penalty should be reduced’ and substitute ‘a reduction in the penalty is necessary’”.

(B) Clause (44)(B) is amended to read as follows:

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

(2) Section 8(1) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4390), is amended by striking “1st paragraph” and substituting “1st paragraph related to transfer of aircraft”.

(e) 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.

(f) Effective December 29, 1995, the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 809) is amended as follows:

(1) In section 102(b), strike “**Commerce**” and “**Transportation**” and substitute “Commerce” and “Transportation”, respectively.

(2) In section 305(d)(6), strike “part B or (C)” and substitute “part B or C”.

(3) In section 308(j), strike “30106(d)” and substitute “30166(d)”.

(4) Section 327 is amended as follows:

(A) in clause (3)(B), strike “‘Interstate Commerce Act’” and substitute “‘the Interstate Commerce Act’ in subsection (b)(3)”.

(B) in clause (5), insert “(A)” after “(5)” and add at the end of the clause the following:

“(B) by inserting after item 712 in the table of contents the following:

‘Sec. 713. Class II railroads receiving Federal assistance.’”.

(g) 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”.

(h) 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”.

(i) 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”.

(j) 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”.

(k) Section 241(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12161(2)) is amended by striking “commuter service” and substituting “commuter rail passenger transportation”.

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) Sections 5005 and 6020 of the Intermodal Surface Transportation Efficiency Act (49 U.S.C. 301(notes)).

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

(5) The Department of Transportation Act (Public Law 89–670, 80 Stat. 931).

(6) Sections 129 and 135 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (Public Law 102–581, 106 Stat. 4886, 4888)

(7) Section 27 of the Bus Regulatory Reform Act of 1982 (Public Law 97–261, 96 Stat. 1126).

(8) Section 4007(a), (c), (d), and (e) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2151, 2152).

SEC. 8. EFFECTIVE DATE.

(1) The amendments made by sections 3 and 5(10)–(17), (19), (20), (52), (53), (55), (61), (62), (65), (70), (78), (79), and (93)–(95) of this Act shall take effect on July 5, 1994.

(2) The amendment made by section 5(83)(A) of this Act shall take effect on October 31, 1994.

SEC. 9. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—This Act restates, without substantive change, laws enacted before March 1, 1996, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after February 29, 1996, 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 applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 10. 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

<i>Date</i>	<i>Chapter or Public Law</i>	<i>Section</i>	<i>Statutes at Large</i>		<i>U.S. Code</i>	
			<i>Vol- ume</i>	<i>Page</i>	<i>Title</i>	<i>Section</i>
<i>1916 Sept. 3, 5</i>	<i>436</i>	<i>.....</i>	<i>39</i>	<i>721, 722</i>	<i>45</i>	<i>65, 66</i>
<i>1986 Oct. 18</i>	<i>99–500</i>	<i>6001–6012</i>	<i>100</i>	<i>1783–373</i>	<i>.....</i>	<i>.....</i>
<i>Oct. 30</i>	<i>99–591</i>	<i>6001–6012</i>	<i>100</i>	<i>3341–376</i>	<i>.....</i>	<i>.....</i>
<i>1991 Dec. 18</i>	<i>102–240</i>	<i>7001–7004</i>	<i>105</i>	<i>2197</i>	<i>.....</i>	<i>.....</i>