

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION  
**H. R. 1086**

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**AN ACT**

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

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## AN ACT

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 26, INTERNAL REVENUE CODE OF 1986.**

4       Section 9503(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C.  
5       9503(e)(3)) is amended by striking “such Acts are in effect” and all that  
6       follows through the end of the paragraph and substituting “section 5338

1 (a)(1) or (b)(1) and the Intermodal Surface Transportation Efficiency Act  
2 of 1991 were in effect on December 18, 1991".

**SECTION 2. TITLE 49, UNITED STATES CODE.**

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

5 (1) In the item related to subchapter I in the analysis for chapter  
6 5, strike—  
7 “DUTIES AND”.

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

13 (A) In paragraph (1), insert “and sections 5304–5306 of this  
14 title” after “this section”.

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

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

25 (8) In section 13506(a)(5), strike “1141j(a))” and substitute  
26 “1141j(a))).”

27 (9) In section 13703(a)(2), strike “subsection (a)” and substitute  
28 “paragraph (1)”.

29 (10) In section 13905(e)(1), strike "31144," and substitute  
30 "31144"

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

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

34 (13) In section 15101(a), strike “oversee of” and substitute  
35 “oversee”.

36 (14) In the item related to section 15904 in the analysis for chap-  
37 ter 159, strike "certain" and substitute "pipeline"

38 (15) In section 15904(c)(1), strike “section 11501(b)” and sub-  
39 substitute “15901(b)”

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

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

(18) In section 30305(b)—

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

(B) redesignate paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104-264, 110 Stat. 3262), as paragraph (9).

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

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

## “PART D—PUBLIC AIRPORTS

“491. METROPOLITAN WASHINGTON AIRPORTS ..... 49101”.

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

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

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

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

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

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

## “PART D—PUBLIC AIRPORTS

## **“CHAPTER 491—METROPOLITAN WASHINGTON AIRPORTS**

“Sec.

“49101. Findings.

“49102. Purpose.

“49103. Definitions.

“49104. Lease of Metropolitan Washington Airports.

“49105. Capital improvements, construction, and rehabilitation.

“49106. Metropolitan Washington Airports Authority.

“49107. Federal employees at Metropolitan Washington Airports.

“49108. Limitations.

“49109. Nonstop flights.

“4910. Use of Dulles Airport Access Highway.

“49111. Relationship to and effect of other laws.

“49111. Relationship to and effect of other laws.  
“49112. Separability and effect of judicial order.

1       **“§ 49101. Findings**

2       “Congress finds that—

3           “(1) the 2 federally owned airports in the metropolitan area of the  
4           District of Columbia constitute an important and growing part of the  
5           commerce, transportation, and economic patterns of Virginia, the Dis-  
6           trict of Columbia, and the surrounding region;

7           “(2) Baltimore/Washington International Airport, owned and oper-  
8           ated by Maryland, is an air transportation facility that provides service  
9           to the greater Metropolitan Washington region together with the 2 fed-  
10           erally owned airports, and timely Federal-aid grants to Baltimore/  
11           Washington International Airport will provide additional capacity to  
12           meet the growing air traffic needs and to compete with other airports  
13           on a fair basis;

14           “(3) the United States Government has a continuing but limited  
15           interest in the operation of the 2 federally owned airports, which serve  
16           the travel and cargo needs of the entire Metropolitan Washington re-  
17           gion as well as the District of Columbia as the national seat of govern-  
18           ment;

19           “(4) operation of the Metropolitan Washington Airports by an  
20           independent local authority will facilitate timely improvements at both  
21           airports to meet the growing demand of interstate air transportation  
22           occasioned by the Airline Deregulation Act of 1978 (Public Law 95-  
23           504; 92 Stat. 1705);

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

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

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

36           “(8) an operating authority with representation from local juris-  
37           dictions, similar to authorities at all major airports in the United  
38           States, will improve communications with local officials and concerned  
39           residents regarding noise at the Metropolitan Washington Airports;

40           “(9) a commission of congressional, State, and local officials and  
41           aviation representatives has recommended to the Secretary that trans-

1       fer of the federally owned airports be as a unit to an independent au-  
2       thority to be created by Virginia and the District of Columbia; and

3           “(10) the Federal interest in these airports can be provided  
4       through a lease mechanism which provides for local control and oper-  
5       ation.

6       **“§ 49102. Purpose**

7           “(a) GENERAL.—The purpose of this chapter is to authorize the trans-  
8       fer of operating responsibility under long-term lease of the 2 Metropolitan  
9       Washington Airport properties as a unit, including access highways and  
10       other related facilities, to a properly constituted independent airport author-  
11       ity created by Virginia and the District of Columbia, in order to achieve  
12       local control, management, operation, and development of these important  
13       transportation assets.

14           “(b) INCLUSION OF BALTIMORE/WASHINGTON INTERNATIONAL AIR-  
15       PORT NOT PRECLUDED.—This chapter does not prohibit the Airports Au-  
16       thority and Maryland from making an agreement to make Baltimore/Wash-  
17       ington International Airport part of a regional airports authority, subject  
18       to terms agreed to by the Airports Authority, the Secretary of Transpor-  
19       tation, Virginia, the District of Columbia, and Maryland.

20       **“§ 49103. Definitions**

21           “In this chapter—

22           “(1) ‘Airports Authority’ means the Metropolitan Washington Air-  
23       ports Authority, a public authority created by Virginia and the District  
24       of Columbia consistent with the requirements of section 49106 of this  
25       title.

26           “(2) ‘employee’ means any permanent Federal Aviation Adminis-  
27       tration personnel employed by the Metropolitan Washington Airports  
28       on June 7, 1987.

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

31           “(4) ‘Washington Dulles International Airport’ means the airport  
32       constructed under the Act of September 7, 1950 (ch. 905, 64 Stat.  
33       770), and includes the Dulles Airport Access Highway and Right-of-  
34       way, including the extension between Interstate Routes I-495 and I-  
35       66.

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

38       **“§ 49104. Lease of Metropolitan Washington Airports**

39           “(a) GENERAL.—The lease between the Secretary of Transportation  
40       and the Metropolitan Washington Airports Authority under section 6005(a)  
41       of the Metropolitan Washington Airports Authority under section 6005(a)

1 of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500,  
2 100 Stat. 1783-375, Public Law 99-591, 100 Stat. 3341-378), for the  
3 Metropolitan Washington Airports must provide during its 50-year term at  
4 least the following:

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

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

10 “(i) aviation business or activities;

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

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

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

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

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

24 “(ii) retake possession of the property if the Airports Author-  
25 ity fails to have that part of the property be used for airport pur-  
26 poses within a reasonable period of time, as the Secretary decides.

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

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

40 “(5)(A) Except as provided in subparagraph (B) of this para-  
41 graph, all regulations of the Metropolitan Washington Airports (14

1 C.F.R. part 159) become regulations of the Airports Authority as of  
2 June 7, 1987, and remain in effect until modified or revoked by the  
3 Airports Authority under procedures of the Airports Authority.

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

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

12 “(6)(A) Except as specified in subparagraph (B) of this para-  
13 graph, the Airports Authority shall assume all rights, liabilities, and  
14 obligations of the Metropolitan Washington Airports on June 7, 1987,  
15 including leases, permits, licenses, contracts, agreements, claims, tar-  
16 ififfs, accounts receivable, accounts payable, and litigation related to  
17 those rights and obligations, regardless whether judgment has been en-  
18 tered, damages awarded, or appeal taken. The Airports Authority must  
19 cooperate in allowing representatives of the Attorney General and the  
20 Secretary adequate access to employees and records when needed for  
21 the performance of duties and powers related to the period before June  
22 7, 1987. The Airports Authority shall assume responsibility for the  
23 Federal Aviation Administration’s Master Plans for the Metropolitan  
24 Washington Airports.

25 “(B) The procedure for disputes resolution contained in any con-  
26 tract entered into on behalf of the United States Government before  
27 June 7, 1987, continues to govern the performance of the contract un-  
28 less otherwise agreed to by the parties to the contract. Claims for mon-  
29 etary damages founded in tort, by or against the Government as the  
30 owner and operator of the Metropolitan Washington Airports, arising  
31 before June 7, 1987, shall be adjudicated as if the lease had not been  
32 entered into.

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

39 “(D) The Airports Authority shall continue all collective bargain-  
40 ing rights enjoyed by employees of the Metropolitan Washington Air-  
41 ports before June 7, 1987.

1           “(7) The Comptroller General may conduct periodic audits of the  
2 activities and transactions of the Airports Authority in accordance with  
3 generally accepted management principles, and under regulations the  
4 Comptroller General may prescribe. An audit shall be conducted where  
5 the Comptroller General considers it appropriate. All records and prop-  
6 erty of the Airports Authority shall remain in possession and custody  
7 of the Airports Authority.

8           “(8) The Airports Authority shall develop a code of ethics and fi-  
9 nancial disclosure to ensure the integrity of all decisions made by its  
10 board of directors and employees. The code shall include standards by  
11 which members of the board will decide, for purposes of section  
12 49106(d) of this title, what constitutes a substantial financial interest  
13 and the circumstances under which an exception to the conflict of inter-  
14 est prohibition may be granted.

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

17           “(A) at Washington Dulles International Airport may not be  
18 used for maintenance or operating expenses (excluding debt serv-  
19 ice, depreciation, and amortization) at Washington National Air-  
20 port; and

21           “(B) at Washington National Airport may not be used for  
22 maintenance or operating expenses (excluding debt service, depre-  
23 ciation, and amortization) at Washington Dulles International Air-  
24 port.

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

31           “(11) The Secretary shall include other terms applicable to the  
32 parties to the lease that are consistent with, and carry out, this chap-  
33 ter.

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

39           “(c) ENFORCEMENT OF LEASE PROVISIONS.—The district courts of  
40 the United States have jurisdiction to compel the Airports Authority and  
41 its officers and employees to comply with the terms of the lease. The Attor-

1 ney General or an aggrieved party may bring an action on behalf of the  
 2 Government.

3       “(d) EXTENSION OF LEASE.—The Secretary and the Airports Author-  
 4 ity may at any time negotiate an extension of the lease.

5       **“§ 49105. Capital improvements, construction, and rehabili-  
 6 tation**

7       “(a) SENSE OF CONGRESS.—It is the sense of Congress that the Met-  
 8 ropolitan Washington Airports Authority—

9           “(1) should pursue the improvement, construction, and rehabilita-  
 10 tion of the facilities at Washington Dulles International Airport and  
 11 Washington National Airport simultaneously; and

12           “(2) to the extent practicable, should cause the improvement, con-  
 13 struction, and rehabilitation proposed by the Secretary of Transpor-  
 14 tation to be completed at Washington Dulles International Airport and  
 15 Washington National Airport within 5 years after March 30, 1988.

16       “(b) SECRETARY’S ASSISTANCE.—The Secretary shall assist the 3 air-  
 17 ports serving the District of Columbia metropolitan area in planning for  
 18 operational and capital improvements at those airports and shall accelerate  
 19 consideration of applications for United States Government financial assist-  
 20 ance by whichever of the 3 airports is most in need of increasing airside  
 21 capacity.

22       **“§ 49106. Metropolitan Washington Airports Authority**

23       “(a) STATUS.—The Metropolitan Washington Airports Authority shall  
 24 be—

25           “(1) a public body corporate and politic with the powers and juris-  
 26 diction—

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

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

33           “(2) independent of Virginia and its local governments, the Dis-  
 34 trict of Columbia, and the United States Government; and

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

38       “(b) GENERAL AUTHORITY.—(1) The Airports Authority shall be au-  
 39 thorized—

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

1       “(B) to issue bonds from time to time in its discretion for public  
2       purposes, including paying any part of the cost of airport improve-  
3       ments, construction, and rehabilitation and the acquisition of real and  
4       personal property, including operating equipment for the airports;

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

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

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

10     “(F) to make and maintain agreements with employee organiza-  
11     tions to the extent that the Federal Aviation Administration was au-  
12     thorized to do so on October 18, 1996.

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

14     “(A) are not a debt of Virginia, the District of Columbia, or a po-  
15     litical subdivision of Virginia or the District of Columbia; and

16     “(B) may be secured by the Airports Authority’s revenues gen-  
17     erally, or exclusively from the income and revenues of certain des-  
18     ignated projects whether or not any part of the projects are financed  
19     from the proceeds of the bonds.

20     “(c) BOARD OF DIRECTORS.—(1) The Airports Authority shall be gov-  
21     erned by a board of directors composed of the following 13 members:

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

23     “(B) 3 members appointed by the Mayor of the District of Colum-  
24     bia;

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

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

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

31     “(3) Members of the board shall be appointed by the board for 6 years,  
32     except that of the members first appointed by the President after October  
33     9, 1996, one shall be appointed for 4 years. A member may serve after the  
34     expiration of that member’s term until a successor has taken office.

35     “(4) A member of the board—

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

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

39     “(C) must reside within the Washington Standard Metropolitan  
40     Statistical Area, except that a member of the board appointed by the

1       President must be a registered voter of a State other than Maryland,  
2       Virginia, or the District of Columbia.

3       “(5) A vacancy in the board shall be filled in the manner in which the  
4       original appointment was made. A member appointed to fill a vacancy oc-  
5       curring before the expiration of the term for which the member’s prede-  
6       cessor was appointed shall be appointed only for the remainder of that term.

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

9       “(B) In carrying out their duties on the board, members appointed by  
10      the President shall ensure that adequate consideration is given to the na-  
11      tional interest.

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

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

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

21      “(d) CONFLICTS OF INTEREST.—Members of the board and their im-  
22      mediate families may not be employed by or otherwise hold a substantial  
23      financial interest in any enterprise that has or is seeking a contract or  
24      agreement with the Airports Authority or is an aeronautical, aviation serv-  
25      ices, or airport services enterprise that otherwise has interests that can be  
26      directly affected by the Airports Authority. The official appointing a mem-  
27      ber may make an exception if the financial interest is completely disclosed  
28      when the member is appointed and the member does not participate in  
29      board decisions that directly affect the interest.

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

35      “(f) ADMINISTRATIVE.—To assist the Secretary in carrying out this  
36      chapter, the Secretary may hire 2 staff individuals to be paid by the Air-  
37      ports Authority. The Airports Authority shall provide clerical and support  
38      staff that the Secretary may require.

39      “(g) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller Gen-  
40      eral shall review contracts of the Airports Authority to decide whether the  
41      contracts were awarded by procedures that follow sound Government con-

1       tracting principles and comply with section 49104(a)(4) of this title. The  
2       Comptroller General shall submit periodic reports of the conclusions reached  
3       as a result of the review to the Committee on Transportation and Infra-  
4       structure of the House of Representatives and the Committee on Commerce,  
5       Science, and Transportation of the Senate.

6       **“§ 49107. Federal employees at Metropolitan Washington Air-  
7       ports**

8       “(a) LABOR AGREEMENTS.—The Metropolitan Washington Airports  
9       Authority shall adopt all labor agreements that were in effect on June 7,  
10       1987. Unless the parties otherwise agree, the agreements must be renegoti-  
11       ated before June 7, 1992.

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

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

27       “(c) ACCESS TO RECORDS.—The Airports Authority shall allow rep-  
28       resentatives of the Secretary of Transportation adequate access to employ-  
29       ees and employee records of the Airports Authority when needed to carry  
30       out a duty or power related to the period before June 7, 1987. The Sec-  
31       retary shall provide the Airports Authority access to employee records of  
32       transferring employees for appropriate purposes.

33       **“§ 49108. Limitations**

34       “After October 1, 2001, the Secretary of Transportation may not ap-  
35       prove an application of the Metropolitan Washington Airports Authority—

36       “(1) for an airport development project grant under subchapter I  
37       of chapter 471 of this title; or

38       “(2) to impose a passenger facility fee under section 40117 of this  
39       title.

1     **“§ 49109. Nonstop flights**

2       “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.

5     **“§ 49110. Use of Dulles Airport Access Highway**

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

13     **“§ 49111. Relationship to and effect of other laws**

14       “(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—

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

23           “(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.

29       “(b) INAPPLICABILITY OF CERTAIN LAWS.—The Metropolitan Washington Airports and the Airport Authority are not subject to the requirements of any law solely by reason of the retention of the United States Government of the fee simple title to those airports.

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

36       “(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.

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

1               “(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

4               “(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.

8               “(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.

**14       “§ 49112. Separability and effect of judicial order**

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

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

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

**32       SECTION. 3. TECHNICAL CHANGES TO OTHER LAWS.**

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

36               “(1) in subparagraph (B) ‘that extends the economic life of a bus for at least 5 years’; and

38               “(2) in subparagraph (C), ‘that extends the economic life of a bus for at least 8 years’.”.

40               (b) Effective July 2, 1996, section 2(c) of the Anti-Car Theft Improvements Act of 1996 (Public Law 104–152, 110 Stat. 1384) is amended by

1       striking “sections 30502 and 30503” and substituting “sections 30501(6),  
 2       30502, 30503, and 30504(a)(1)”.

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

5           (1) Section 123 is amended as follows:

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

7               “(6) in subparagraph (B), as so redesignated, by striking ‘at least  
 8       2.25’ and all that follows through ‘1996,’ and inserting ‘at least 4 per-  
 9       cent for each of fiscal years 1997 and 1998’; and”.

10           (B) Add at the end the following:

11           “(d) CONFORMING CROSS-REFERENCE.—Section 47117(e)(1)(A), as  
 12       redesignated by subsection (b)(3) of this section, is amended by striking  
 13       ‘47504(c)(1)’ and substituting ‘47504(c)’.”.

14           (2) Section 124 is amended by striking subsection (d).

15           (3) Section 276 is amended by adding at the end the following:

16           “(c) CONFORMING CROSS-REFERENCE.—Section 106(g)(1)(A) is  
 17       amended by striking ‘45302, 45303’ and substituting ‘45302–45304’.”.

18           (4) Sections 502(c) and 1220(b) are repealed.

19           (d) Effective October 11, 1996—

20           (1) Section 5 of the Act of October 11, 1996 (Public Law 104–  
 21       287, 110 Stat. 3388), is amended as follows:

22              (A) In clause (45)(A), strike “ENFORCEMENT,”  
 23       and substitute “ENFORCEMENT.”.

24              (B) Clause (69) is amended to read as follows:

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

26       **‘§ 40124. Interstate agreements for airport facilities’**

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

30           ‘(B) In the analysis for chapter 401, add at the end the following:  
 31       ‘40124. Interstate agreements for airport facilities.’.”.

32           (C) Clause (76) is repealed.

33           (D) Clause (79) is amended to read as follows:

34              “(79) In section 46316(b), strike ‘and sections 44701(a) and (b),  
 35       44702–44716, 44901, 44903(b) and (c), 44905, 44906, 44912–44915,  
 36       and 44932–44938’ and substitute ‘chapter 447 (except section  
 37       44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904,  
 38       and 44907–44909)’.”.

39           (E) (84) is repealed.

40           (2) Section 8 of the Act of October 11, 1996 (Public Law 104–  
 41       287, 110 Stat. 3400), is amended as follows:

3 (B) Paragraph (2) is amended to read as follows:

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

6 (e) The General Aviation Revitalization Act of 1994 (Public Law 103-  
7 298, 108 Stat. 1552) is amended as follows:

11 (2) In section 3—

15 (B) in paragraph (2), strike “section 603(c) of the Federal  
16 Aviation Act of 1958 (49 U.S.C. 1423(c))” and substitute “section  
17 44704(c)(1) of title 49, United States Code.”; and

18 (C) in paragraph (4), strike “section 603(a) of the Federal  
19 Aviation Act of 1958 (49 U.S.C. 1423(a))” and substitute “sec-  
20 tion 44704(a) of title 49, United States Code.”.

21 (f) The amendments made by subsections (a)–(d) of this section shall  
22 take effect as if included in the provisions of the acts to which the amend-  
23 ments relate.

## 24 SECTION 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.

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

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

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

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

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

## 9 SECTION 5. REPEALS.

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

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

Schedule of Laws Repealed  
Statutes at Large

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

Passed the House of Representatives July 8, 1997.

Attest:

### *Clerk.*