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2d Session
HOUSE OF REPRESENTATIVES
REPORT
104–573

TECHNICAL AMENDMENTS TO IMPROVE THE UNITED STATES CODE

MAY 14, 1996.—Referred to the House Calendar and ordered to be printed

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

REPORT

[To accompany H.R. 2297]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2297) to codify without substantive change laws related to transportation and to improve the United States Code, having considered the same, report favorably thereon with an amendment in the nature of a substitute, as amended, and recommend that the bill as amended do pass.

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

EXPLANATION OF AMENDMENT

Inasmuch as H.R. 2297 was ordered favorably reported with a single amendment in the nature of a substitute, as amended, the contents of this report explain that amendment.

STATEMENT

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 In the restatement, simple language has been substituted for awkward and obsolete terms, and superseded, executed, and obsolete statutes have been eliminated.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

the Code that have been enacted into law so that those titles may be kept current.

Background.—On July 5, 1994, H.R. 1758, a bill to codify the balance of title 49, United States Code, into positive law, was enacted as Public Law 103–272. Other transportation related laws enacted after June 30, 1993, the cutoff date for Public Law 103–272, were incorporated in title 49 by H.R. 4778, enacted as Public Law 103–429 on October 31, 1994. However, certain laws related to transportation were not included in title 49. This bill codifies those laws and makes other technical and conforming changes.

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

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

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

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

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

The word "includes" means "includes but is not limited to".

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

The first time a descriptive title is used in a section, the complete title is used. Thereafter, in the same section, a shorter title is used unless the context requires the complete title to be used. For example, "Secretary of State" is used the first time the title appears in a section. Subsequently, in the same section, the title "Secretary" is used.

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

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

The words "under section ———" are used instead of "pursuant to section ———" and "in accordance with section ———".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE VOTE

At a meeting of the Committee on the Judiciary on April 24, 1996, a quorum being present, an amendment to the amendment in the nature of a substitute offered by Mr. Hyde was offered by Mr. Conyers. The amendment was approved by a voice vote and H.R. 2297, as amended, was approved by a voice vote and ordered favorably reported.

STATEMENTS UNDER CLAUSE 2(*l*)(3) AND (4) OF RULE XI

Since the purpose of H.R. 2297, as amended, is to codify changes in the law without making any substantive change in the law, no oversight findings or recommendations have been made with respect to the bill.

The enactment of this bill will have no inflationary impact on prices or costs in the operation of the national economy.

The bill does not provide new budget authority or new or increased tax expenditures.

The Director of the Congressional Budget Office has submitted the following letter reporting on the bill.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 3, 1996.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2297, a bill to codify without substantive change laws related to transportation and to improve the United States Code, as ordered reported by the House Committee on the Judiciary on April 24, 1996. CBO estimates that enacting this legislation would result in no cost to the federal government.

Enacting H.R. 2297 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to this legislation. The bill contains no new intergovernmental or private sector mandates, as defined in Public Law 104–4, and would impose no new direct costs on state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

JUNE E. O'NEILL, *Director.*

SECTION-BY-SECTION SUMMARY

SECTION 1—AMENDMENTS TO TITLE 18

This amends 18:2721(b) to make conforming amendments necessary because of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 745).

SECTION 2—AMENDMENT TO TITLE 23

This amends the catchline for 23:103(e)(4)(L) so that it conforms with the text.

SECTION 3—AMENDMENT TO TITLE 28

This amends 28:1445(a) to make a conforming amendment necessary because section 4(i) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1365), added a new section 4A to the Act of April 22, 1908 (45 U.S.C. 54a).

SECTION 4—AMENDMENTS TO TITLE 31

SECTION 4(1)

This amends 31:1105(a) to make a technical and clarifying amendment because a clause (26) was enacted with a prospective date of repeal and additional clauses were enacted before the repeal became effective.

SECTION 4(2)(A)

This repeals a reference in 31:9101(2) to the United States Railway Association which was abolished effective April 1, 1987, by section 4031(a) of the Conrail Privatization Act (Public Law 99–509, 100 Stat. 1906).

SECTION 4(2)(B)–(D)

These make technical amendments to 31:9101(2) and (3).

SECTION 5—AMENDMENTS TO TITLE 49

SECTION 5(1)

This sets out the date of enactment of 49:106(b)(last sentence).

SECTION 5(2)

This sets out the date of enactment of 49:111.

SECTION 5(3)

This amends 49:329 to make conforming amendments necessary because of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 745).

SECTION 5(4)

This sets out the date of enactment of 49:521(b)(1)(B).

SECTION 5(5)(A)

This sets out the effective date of 49:701.

SECTION 5(5)(B)

This amends 49:701(b) by setting out the date of enactment of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 803).

SECTION 5(6)

This amends 49:702 by setting out the effective date of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 803).

SECTION 5(7)

This amends 49:726(a) by setting out the date of enactment of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 803).

SECTION 5(8)

This amends 49:5116(j)(4)(A) to correct an erroneous cross-reference.

SECTION 5(9)

This amends various sections of title 49 to reflect an amendment of clause 1 of Rule X of the House of Representatives by section 202(a) of H. Res. 6 approved January 4, 1995.

SECTION 5(10)

This amends 49:5303(f)(2) and (h)(4) to correct erroneous cross-references.

SECTION 5(11)(A)–(C)

This amends 49:5307(a)(2) to delete an obsolete provision.

SECTION 5(11)(D)

This amends 49:5307(d)(1)(H) to correct an erroneous cross-reference.

SECTION 5(12)(A)

This amends 49:5309(a) to clarify the restatement of 49 App.:1602(a)(1) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 800).

SECTION 5(12)(B)

This amends 49:5309(e)(4)(B) to correct an erroneous cross-reference.

SECTION 5(12)(C)

This amends 49:5309(m)(1)(A) to make a conforming amendment.

SECTION 5(13)–(15)

These amend 49:5315(d), 5317(b)(5), and 5323(b)(1), (c), and (e) to correct erroneous cross-references.

SECTION 5(16)

This amends the catchline for 49:5325(d) to make a clarifying amendment.

SECTION 5(17)

This amends 49:5327(c) to correct an erroneous cross-reference.

SECTION 5(18)

This amends 49:5335(d)(2)(B) to amend an erroneous cross-reference.

SECTION 5(19)

This amends 49:5336(b)(2) to clarify the restatement of 49 App.:1607a(b) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 840).

SECTION 5(20)

This amends 49:5338(g)(2) to correct an erroneous cross-reference.

SECTION 5(21)

This amends 49:10501(c)(3)(B) by setting out the effective date of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 803).

SECTION 5(22)

This sets out the effective date of 49:10701(d)(3).

SECTION 5(23)

This amends 49:10704(d) by setting out the effective date of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 803).

SECTION 5(24)

This amends 49:10706(a)(5)(C) and 10709(e) to set out the effective date of the Staggers Rail Act of 1980 (Public Law 96–448, 94 Stat. 1895).

SECTION 5(25)

This amends 49:11101(f) and 11301(f) by setting out the effective date of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 803).

SECTION 5(26)

This makes conforming amendments to the headings of part B and chapter 131.

SECTION 5(27)(A)

This amends 49:13102(4)(A) by setting out the effective date of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 803) and the day before that date.

SECTION 5(27)(B)

This amends 49:13102(4)(B) for clarity and consistency.

SECTION 5(28)

This amends 49:13703(e) and (f)(2) by setting out the day before the effective date of 49:13703(e) and (f)(2).

SECTION 5(29)(A)

This amends 49:13709(a)(1) and (3) for clarity and consistency.

SECTION 5(29)(B)

This amends 49:13709(e) by setting out the effective date for 49:13709 and for clarity and consistency.

SECTION 5(30)(A)

This sets out the effective date of 49:13710.

SECTION 5(30)(B)

This amends 49:13710(b) by setting out the effective date for 49:13710 and for clarity and consistency.

SECTION 5(31)

This amends 49:13711(a), (d), and (g) by setting out the effective date of 49:13711 and for clarity and consistency.

SECTION 5(32)(A)

This amends 49:13902(b)(8)(A) to correct a grammatical error and to set out the effective date of 49:13902(b).

SECTION 5(32)(B)

This sets out the effective date of 49:13902(b)(8).

SECTION 5(32)(C)

This amends 49:13902(c)(4)(A) and (d)(1) and (2) for clarity and consistency.

SECTION 5(33)

This amends 49:13905(a) for clarity and consistency.

SECTION 5(34)

This sets out the effective date of 49:13906.

SECTION 5(35)

This amends 49:13907(e)(1) and (2) for clarity and consistency.

SECTION 5(36)(A)

This amends 49:13908(d)(1) for clarity and consistency.

SECTION 5(36)(B)

This sets out the effective date of 49:13908.

SECTION 5(37)(A) and (B)

This sets out the effective date of 49:14302.

SECTION 5(37)(C) and (D)

This amends 49:14302(h)(1) and (2) for clarity and consistency.

SECTION 5(38)

This sets out the effective date of 49:14706(g)(3) and 14708(g).

SECTION 5(39)

This amends 49:14709 by setting out the effective date of 49:14709 and for clarity and consistency.

SECTION 5(40)

This makes a conforming amendment to the heading of part C.

SECTION 5(41)–(43)

These make conforming amendments to the analyses of chapters 151 and 153 and the analysis and subchapter headings of chapter 157.

SECTION 5(44)

This sets out the effective date of 49:15701.

SECTION 5(45) and (46)

These make conforming amendments to the analyses of chapters 159 and 161.

SECTION 5(47)

This sets out the date of enactment of the Federal Railroad Safety Authorization Act of 1994 (title II of Public Law 103–440, 108 Stat. 4619).

SECTION 5(48)

This amends various sections of title 49 to reflect an amendment of clause 1 of Rule X of the House of Representatives by section 202(a) of H. Res. 6 approved January 4, 1995.

SECTION 5(49)

This sets out the date of enactment of the Federal Railroad Safety Authorization Act of 1994 (title II of Public Law 103–440, 108 Stat. 4619).

SECTION 5(50) AND (51)

These set out the date of enactment of 49:20152 and 20153.

SECTION 5(52)

This amends 49:20301(b) to clarify the restatement of 45:8 by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 881).

SECTION 5(53)

This amends 49:21301(a)(1) to clarify the restatement of 45:438(a) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 891).

SECTION 5(54)

This amends 49:21303(a)(1) to correct a grammatical error.

SECTION 5(55)

This amends 49:22106(b) to clarify the restatement of 49 App.:1654(d)(3) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 897).

SECTION 5(56)

SECTION 28301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
28301	45:65. (uncodified).	Sept. 3, 5, 1916, ch. 436, § 1, 39 Stat. 721. Sept. 3, 5, 1916, ch. 436, §§ 2, 3, 39 Stat. 721.

In subsection (a), the word "determining" is substituted for "reckoning" for clarity. The words "who are not or may hereafter be employed" are omitted as surplus. In clause (1), the words "or territory" are omitted because the existing territories of the United States are now connected to the United States by rail. In clause (2), the words "or possession of the United States" are added for consistency in the revised title and with other titles of the United States Code.

The text of sections 2 and 3 of the Act of September 3, 5, 1916 (ch. 436, 39 Stat. 721), is omitted to eliminate executed provisions.

SECTION 28302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
28302	45:66.	Sept. 3, 5, 1916, ch. 436, § 4, 39 Stat. 722.

The words "shall be guilty of a misdemeanor" are omitted, and the words "shall be fined under title 18" are substituted for "shall be fined not less than $100 and not more than $1,000", for consistency with title 18. The words "upon conviction" are omitted as surplus.

SECTION 5(57)

This amends 49:30144(a)(1)(A) to correct an erroneous cross-reference.

SECTION 5(58)

This amends 49:30168(c) to reflect an amendment of clause 1 of Rule X of the House of Representatives by section 202(a) of H. Res. 6 approved January 4, 1995.

SECTION 5(59)

This amends 49:30308 to correct a grammatical error.

SECTION 5(60)

This sets out the date of enactment of 49:31136(e)(2)(A) and (J)(i) and (ii) and (3).

SECTION 5(61) AND (62)

These amend 49:32702(8) and 32705 to clarify the restatement of 15:1982(5) and 1988 by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1049).

SECTION 5(63)

This amends various sections of title 49 to reflect an amendment of clause 1 of Rule X of the House of Representatives by section 202(a) of H. Res. 6 approved January 4, 1995.

SECTION 5(64)

This makes a conforming amendment in the analysis of subtitle VII of title 49 necessary because of the restatement of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–373, Public Law 99–591, 100 Stat. 3341–376) by section 5(90) of this Act as chapter 491 of title 49 and the redesignation of former chapter 491 as chapter 501 by section 5(88)(B) of this Act.

SECTION 5(65)

This amends 49:40109(c) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1105), to include in the cross-reference sections enacted after the cutoff date for the codification of title 49 as enacted by section 1 of the Act (Public Law 103–272, 108 Stat. 745), and to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

SECTION 5(66)

This amends 49:40116(d)(2)(A)(iv) to conform to the style of title 49 and to set out the effective date for this clause.

SECTION 5(67)

This repeals 49:40117(e)(2)(C) to eliminate an executed provision and makes conforming amendments.

SECTION 5(68)(A)

This amends the catchline for 49:40118(d) to make a clarifying amendment.

SECTION 5(68)(B)

This amends 49:40118(f)(1) to make a clarifying amendment.

SECTION 5(69)

This restates 49:44502(e) as 49:40121 to provide a more appropriate place in title 49.

SECTION 5(70)

This amends 49:41109(a) to clarify the restatement of 49 App.:1371(e) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1123).

SECTION 5(71)

This amends 49:41309(b)(2)(B) for consistency in the subsection.

SECTION 5(72)

This amends 49:41312(a)(1) to conform to the style of title 49.

SECTION 5(73)

This amends 49:41714(d)(1) to make a conforming cross-reference necessary because of the restatement of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–373, Public Law 99–591, 100 Stat. 3341–376) by section 5(90) of this Act as chapter 491 of title 49.

SECTION 5(74)

This amends 49:41715(a) to conform to the style of title 49.

SECTION 5(75)

This amends various sections of title 49 to reflect an amendment of clause 1 of Rule X of the House of Representatives by section 202(a) of H. Res. 6 approved January 4, 1995.

SECTION 5(76)(A)

This amends 49:44502(c)(1) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1175).

SECTION 5(76)(B)

This strikes 49:44502(e) and redesignates 49:44502(f) as 49:44502(e) because of the restatement of former 49:44502(e) as 49:40121.

SECTION 5(77)

This sets out the date of enactment of 49:45301(c).

SECTION 5(78)(A) and (B)

These amend 49:46301(a)(1)(A) and (2)(A) to correct errors in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1231), to include in the cross-reference sections enacted after the cutoff date for the codification of title 49 as enacted by section 1 of the Act (Public Law 103–272, 108 Stat. 745), and to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

SECTION 5(78)(C)

This makes a conforming amendment to 49:46301(a)(3).

SECTION 5(78)(D)-(F)

These amend 49:46301(c)(1)(A), (d)(2), and (f)(1)(A)(i) to correct errors in the codification enacted by section 1 of the Act of July 5,

1994 (Public Law 103–272, 108 Stat. 1231), to include in the cross-reference sections enacted after the cutoff date for the codification of title 49 as enacted by section 1 of the Act (Public Law 103–272, 108 Stat. 745), and to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

SECTION 5(79)

This makes a clarifying amendment to 49:46306(c)(2)(B).

SECTION 5(80)

This amends 49:46316(b) to make it easier to include future sections in the cross-reference by restating it in terms of chapters.

SECTION 5(81)

This sets out the date of enactment of 49:47107(*l*).

SECTION 5(82)(A)

This sets out the date of enactment of 49:47115(f), as enacted by section 112(d) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1576).

SECTION 5(82)(B)

This redesignates 49:47115(f), as enacted by section 6(67) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4386), as 49:47115(g).

SECTION 5(83)(A)

This amends 49:47117(e)(1)(B) because of the redesignation of 49:47504(c)(1)(C) and (D) as 49:47504(c)(2)(C) and (D) by section 6(71)(C) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4387).

SECTION 5(83)(B)

This amends 49:47117(g)(1) because of the redesignation of 49:47105(e) as 49:47105(f) by section 107(a)(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1572).

SECTION 5(84)(A)

This sets out the date of enactment of 49:47118(a)(last sentence).

SECTION 5(84)(B)

This makes a clarifying amendment to 49:47118(e) because 49:47109(c) was struck by section 114(b) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1579).

SECTION 5(85)

This makes a clarifying amendment to the catchline for 49:47128(d).

SECTION 5(86)(A)

This amends 49:47129(a)(1) to conform to the style of title 49.

SECTION 5(86)(B) AND (C)

These set out the date of enactment of 49:47129.

SECTION 5(87)

This sets out the date of enactment of 49:47509.

SECTION 5(88)

This makes a clarifying amendment to the catchline for 49:48104(b).

SECTION 5(89)

This makes conforming amendments necessary because of the restatement of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–373, Public Law 99–591, 100 Stat. 3341–376) by section 5(90) of this Act as chapter 491 of title 49.

SECTION 5(90)

SECTION 49101

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

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

SECTION 49102

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

In subsection (b), the words "and conditions" are omitted as being icluded in "terms".

SECTION 49103

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

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

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

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

SECTION 49104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49104(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §§ 6005(a), (c), (d), 6007(d)(last sentence), 100 Stat. 1783–375, 1783–376, 1783–380. Oct. 30, 1986, Pub. L. 99–591, title VI, §§ 6005(a), (c), (d), 6007(d)(last sentence), 100 Stat. 3341–378, 3341–379, 3341–383.
49104(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6005(b), 100 Stat. 1783–375. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6005(b), 100 Stat. 3341–378.
49104(c)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6005(e), 100 Stat. 1783–378. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6005(e), 100 Stat. 3341–381.
49104(d)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6010, 100 Stat. 1783–385. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6010, 100 Stat. 3341–388.

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

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

SECTION 49105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49105(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6006(a), 100 Stat. 1783–378.

SECTION 49105—Continued

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

SECTION 49106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49106(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(a), (b), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(a), (b), 100 Stat. 3341–382.
49106(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(c), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(c), 100 Stat. 3341–382.
49106(c)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(e), 100 Stat. 1783–380. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(e), 100 Stat. 3341–383.
49106(d)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(d)(1st, 2d sentences), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(d)(1st, 2d sentences), 100 Stat. 3341–382.
49106(e)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(g), 100 Stat. 1783–382. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(g), 100 Stat. 3341–385.
49106(f)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(h), 100 Stat. 1783–382; Dec. 18, 1991, Pub. L.102–240, title VII, § 7002(g), 105 Stat. 2202. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(h), 100 Stat. 3341–385; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(g), 105 Stat. 2202.
49106(g)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(i), as added Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(h), 105 Stat. 2202. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(i), as added Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(h), 105 Stat. 2202.

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

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

In subsection (f), the words "duties and powers" are substituted for "functions" for consistency in the revised title and with other titles of the Code.

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

SECTION 49107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49107(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(1), 100 Stat. 1783–380; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(a), 105 Stat. 2197. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(1), 100 Stat. 3341–383; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(a), 105 Stat. 2197.
49107(b)(1), (2)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(2)(A), (C), 100 Stat. 1783–381; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(b), 105 Stat. 2198. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(2)(A), (C), 100 Stat. 3341–384; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(b), 105 Stat. 2198.
49107(b)(3)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(11), as added Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(f), 105 Stat. 2202. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(11), as added Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(f), 105 Stat. 2202.
49107(c)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(2)(B), (D), 100 Stat. 1783–381; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(b), 105 Stat. 2198. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(2)(B), (D), 100 Stat. 3341–383; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(b), 105 Stat. 2198.
49107(d)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(10), as added Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(f), 105 Stat. 2201. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(11), as added Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(f), 105 Stat. 2201.
49107(e)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(9), 100 Stat. 1783–382; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(9), 100 Stat. 3341–385; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200.
49107(f)(1)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(3), 100 Stat. 1783–381; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(c), 105 Stat. 2198. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(3), 100 Stat. 3341–384; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(c), 105 Stat. 2198.
49107(f)(2)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(8), 100 Stat. 1783–382; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(8), 100 Stat. 3341–385; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200.
49107(f)(3)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(7), 100 Stat. 1783–382; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(7), 100 Stat. 3341–385; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200.
49107(g)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(4), 100 Stat. 1783–381; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(d), 105 Stat. 2198. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(4), 100 Stat. 3341–384; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(d), 105 Stat. 2198.
49107(h)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(6), 100 Stat. 1783–382; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200.

SECTION 49107—Continued

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49107(i)	(uncodified).	Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(6), 100 Stat. 3341–385; Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200. Oct. 18, 1986, Pub. L. 99–500, title VI, § 6007(f)(5), as added Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6007(f)(5), as added Dec. 18, 1991, Pub. L. 102–240, title VII, § 7002(e), 105 Stat. 2200.

In subsection (f)(1), the reference is to subsection (g) or (h), rather than subsection (g) or (i), because the source provision should refer to paragraph (4) or (6). Paragraph (5) was redesignated paragraph (6) by section 7002(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2200), title VII of which is the Metropolitan Washington Airports Act Amendments of 1991 (105 Stat. 2197).

In subsection (g)(3)(B), the words "with respect to such recommendation" are omitted as surplus.

In subsection (i)(3), the words "Committee on Transportation and Infrastructure" are substituted for "Committee on Public Works and Transportation" because of the amendment of clause 1(q) of Rule X of the Rules of the House of Representatives by section 202(a) of H. Res. 6, approved January 4, 1995. The words "Commerce, Science, and Transportation" are substituted for "Commerce, Science, and Technology" to provide the correct name of the Committee.

In subsection (i)(5)(A), the words "Committee on Commerce, Science, and Transportation of the Senate" are substituted for "committee of the Senate" for clarity.

SECTION 49108

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49108(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6008(a)–(d), (f), 100 Stat. 1783–382, 1783–383. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6008(a)–(d), (f), 100 Stat. 3341–385, 3341–387.
49108(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6008(e), 100 Stat. 1783–383. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6008(e), 100 Stat. 3341–386.
49108(c)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6008(g), 100 Stat. 1783–384. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6008(g), 100 Stat. 3341–387.

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

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

SECTION 49109

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

SECTION 49110

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49110(a)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6009(a), 100 Stat. 1783–384. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6009(a), 100 Stat. 3341–387.
49110(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6009(b), 100 Stat. 1783–384. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6009(b), 100 Stat. 3341–387.
49110(c)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6009(c), 100 Stat. 1783–384. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6009(c), 100 Stat. 3341–387.
49110(d)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6009(d), 100 Stat. 1783–384. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6009(d), 100 Stat. 3341–387.
49110(e)	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6009(e), 100 Stat. 1783–384. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6009(e), 100 Stat. 3341–388.

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

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

SECTION 49111

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
49111	(uncodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, § 6011, 100 Stat. 1783–385. Oct. 30, 1986, Pub. L. 99–591, title VI, § 6011, 100 Stat. 3341–388.

The word "thereby" is omitted as surplus.

SECTION 5(91)

This makes a clarifying amendment to 49:50101(a) and (b)(3), 50102, 50104(b)(1), and 50105, as redesignated by clause (89)(D) of this section, because 49:47106(d) was struck by section 108(1) of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103–305, 108 Stat. 1573).

SECTION 5(92)

This amends 49:60101 for consistency with the style of title 49.

SECTION 5(93)

This amends 49:60114(a)(9) to clarify the restatement of 49 App.:1687(b) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1319), because the requirement for substantially the same sanctions was not intended to include criminal penalties.

SECTION 5(94)

This amends 49:70102(6) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1331).

SECTION 5(95)

This amends 49:70112(a)(3)(B) to clarify a cross-reference in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1337).

SECTION 5(96)

This amends 49:70113(e)(6)(D) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1340).

SECTION 5(97)

This amends 49:70117(b)(2) by updating a cross–reference. Section 4 of the Land Remote Sensing Policy Act of 1992 (Public Law 102–555, 106 Stat. 4166) repealed the The Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.). The substantive provisions of the Land Remote Sensing Policy Act of 1992, which replaced the Land Remote-Sensing Commercialization Act of 1984, were classified to the United States Code at 15 U.S.C. 5601 et seq.

SECTION 6—TECHNICAL CHANGES TO OTHER LAWS

Section 6(a)(1) amends section 4(f)(1)(S) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1362), as of the effective date of that Act, to enable section 4(f)(1)(S) to be executed correctly.

Section 6(a)(2) amends section 5(e)(11) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1374), as of the effective date of that Act, to enable section 5(e)(11) to be executed correctly.

Section 6(b) amends section 105(b)(2) of the Hazardous Materials Transportation Act of 1994 (title I of Public Law 103–311, 108 Stat. 1674), as of the effective date of that Act, to enable section 105(b)(2) to be executed correctly.

Section 6(c)(1) amends section 335A of the Department of Transportation and Related Agencies Act, 1995 (Public Law 103–331, 108 Stat. 2495), as of the effective date of that Act, to enable section 335A to be executed correctly.

Section 6(c)(2) amends section 343 of the Department of Transportation and Related Agencies Act, 1995 (Public Law 103–331, 108 Stat. 2496), as of the effective date of that Act, to enable section 343 to be executed correctly.

Section 6(d)(1)(A) amends section 6(41) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4382), as of the effective date of that Act, to enable section 6(44)(B) to be executed correctly.

Section 6(d)(1)(B) amends section 6(44)(B) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4383), as of the effective date of that Act, to enable section 6(44)(B) to be executed correctly.

Section 6(d)(2) amends section 8(1) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4390), as of the effective date of that Act, to enable section 8(1) to be executed correctly.

Section 6(e) amends section 10(c)(2) of the Act of November 2, 1994 (Public Law 103–437, 108 Stat. 4589), as of the effective date of that Act, and revives 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), to enable section 107(b) to remain in effect.

Section 6(f)(1) amends section 102(b) of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 852), as of the effective date of that Act, to enable section 102(b) to be executed correctly.

Section 6(f)(2) amends section 305(d)(6) of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 945), as of the effective date of that Act, to enable section 305(d)(6) to be executed correctly.

Section 6(f)(3) amends section 308(j) of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 947), as of the effective date of that Act, to enable section 308(j) to be executed correctly.

Section 6(f)(4) amends section 327(5) of the ICC Termination Act of 1995 (Public Law 104–88, 109 Stat. 952), as of the effective date of that Act, to conform the table of contents of the Regional Rail Reorganization Act of 1973 (Public Law 93–236, 87 Stat. 985) to the text of the Act.

Section 6(g) amends section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451) to clarify the amendment made by section 4(a) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1360).

Section 6(h) amends section 917(a)(4) of the Consumer Credit Protection Act (15 U.S.C. 1693*o*(a)(4)) to reflect the transfer of functions under that section by section 9(n) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98–443, 98 Stat. 1708).

Section 6(i) amends section 17(d) of the Noise Control Act of 1972 (Public Law 92–574, 86 Stat. 1249) to make a conforming amendment necessary because of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 745).

Section 6(j) amends sections 101(a)(26) and 107(c)(1)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(a)(26), 9607(c)(1)(C)) to make conforming cross-references necessary because of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 745).

Section 6(k) amends section 241(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12161(2)) to make a conforming amendment necessary because of the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 745).

SECTION 7—REPEAL OF OTHER LAWS

Section 7(1) repeals section 119 "Sec. 404(f)" of the Amtrak Reorganization Act of 1979 (Public Law 96–73, 93 Stat. 547) to eliminate an executed provision. Section 119 added section 404(f) to the Rail Service Passenger Service Act (Public Law 91–518, 84 Stat. 1327), that was repealed by section 8(6) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4390).

Section 7(2) repeals sections 1(a)(3) and (b), 2, and 4–6 of Reorganization Plan No. 2 of 1968 (effective June 30, 1968, 82 Stat. 1369) to eliminate obsolete provisions.

Section 7(3) repeals sections 5005 and 6020 of the Intermodal Surface Transportation Efficiency Act (49 U.S.C. 301(notes)) to eliminate obsolete provisions. Section 5005 provided for a National Commission on Intermodal Transportation and provided that the Commission terminate on the 180th day following the date the final report of the Commission was submitted to Congress. That report was submitted on September 29, 1994. Section 6020 provided that the Secretary of Transportation conduct a study to evaluate the feasibility, costs, and benefits of constructing and operating pneumatic capsule pipelines for underground movement of commodities other than hazardous liquid and gas and submit a report on the results of the study not later than 2 years after December 18, 1991. The report has been submitted.

Section 7(4) repeals section 317 of the Department of Transportation and Related Agencies Appropriations Act, 1995 (49 U.S.C. 44502(note)) because section 317 was a repeat provision and an identical provision was restated as 49:44502(f) by the codification of title 49 as enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1176).

Section 7(5) repeals the Department of Transportation Act (Public Law 89–670, 80 Stat. 931). The substantive provisions of this law were restated as part of title 49, United States Code, and repealed by those restatements. Those provisions were repealed by section 4(b) of the Act of October 13, 1978 (Public Law 95–473, 92 Stat. 1469), section 7(b) of the Act of January 12, 1983 (Public Law 97–449, 96 Stat. 2444), and section 7(b) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1365). The remaining sections of the Department of Transportation Act repealed in this bill consist of amendments to other laws and provisions related to the construction of those amendments. The provisions amended include section 206(c) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 206(c)), section 13(b)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(1)), section 1 of the Act of May 13, 1954 (33 U.S.C. 981), section 3(a) of the Marine Resources and Engineering Development Act of 1966 (Public Law 89–454, 80 Stat. 204), section 2(e) of the Act of September 22, 1966 (Public Law 89–599, 80 Stat. 829), and titles 3, 5, 10, and 18 of the Code. Because the sections being repealed are amendatory or constructive in nature, all that is being repealed is the directory language of the statute. This clause completes the repeal of the Department of Transportation Act.

Section 7(6) repeals sections 129 and 135 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Trans-

portation Act of 1992 (Public Law 102–581, 106 Stat. 4886), to eliminate executed provisions.

Section 7(7) repeals section 27 of the Bus Regulatory Reform Act of 1982 (Public Law 97–261, 96 Stat. 1126) to eliminate an obsolete provision.

Section 7(8) repeals section 4007(a), (c), (d), and (e) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2151, 2152) to eliminate obsolete provisions.

SECTION 8—EFFECTIVE DATE

Section 8(1) provides that the conforming amendment to title 28 and certain technical and conforming amendments to title 49, as enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 745), are effective as of the date of enactment of that Act.

Section 8(2) provides that the conforming amendment to 49:47117(e)(1)(B) under section 5(83)(A) of this Act is effective as of the enactment of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4377), because of the amendments to 49:47504 in section 6(71)(C) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4387).

SECTION 9—LEGISLATIVE PURPOSE AND CONSTRUCTION

Section 9 contains a statement of the legislative effect in enacting the bill, savings provisions, and provisions to assist in interpreting and applying the provisions of law enacted by the bill.

SECTION 10—REPEALS

Section 10 relates to the repeal of those statutes that are codified and reenacted by the bill.

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

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

CHANGES IN EXISTING LAW MADE BY THE BILL

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

SECTION 1. AMENDMENTS TO TITLE 18, UNITED STATES CODE

§ 2721. Prohibition on release and use of certain personal information from State motor vehicle records

* * *

(b) PERMISSIBLE USES.—Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions,

motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of [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] *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*, and may be disclosed as follows:

* * *

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under [the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq)] *chapter 313 of title 49*.

* * *

SECTION 2. AMENDMENT TO TITLE 23, UNITED STATES CODE

§ 103. Federal-aid systems

* * *

(e) INTERSTATE SYSTEM.—

* * *

(4) INTERSTATE SUBSTITUTE PROGRAM.—

* * *

(L) APPLICABILITY OF [FTA] *CHAPTER 53 OF TITLE 49*.—

* * *

SECTION 3. AMENDMENT TO TITLE 28, UNITED STATES CODE

§ 1445. Nonremovable actions

(a) A civil action in any State court against a railroad or its receivers or trustees, arising under sections [51–60 of Title 45] *1–4 and 5–10 of the Act of April 22, 1908 (45 U.S.C. 51–54, 55–60)*, may not be removed to any district court of the United States.

* * *

SECTION 4. AMENDMENTS TO TITLE 31, UNITED STATES CODE

§ 1105. Budget contents and submission to Congress

(a) On or after the first Monday in January but not later than the first Monday in February of each year, the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and sum-

mary and supporting information. The President shall include in each budget the following:

* * *

[(27)] *(26)* a separate statement of the amount of appropriations requested for the Office of National Drug Control Policy and each program of the National Drug Control Program.

[(28)] *(27)* a separate statement of the amount of appropriations requested for the Office of Federal Financial Management.

[(29)] *(28)* beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.

[(30)] *(29)* information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

[(31)] *(30)* an analysis displaying, by agency, proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 5 of the Federal Workforce Restructuring Act of 1994.

* * *

§ 9101. Definitions

In this chapter—

* * *

(2) "mixed-ownership Government corporation" means—

* * *

[(J) the United States Railway Association.]

[(K)] *(J)* the Financing Corporation.

[(L)] *(K)* the Resolution Trust Corporation.

[(M)] *(L)* the Resolution Funding Corporation.

(3) "wholly owned Government corporation" means—

* * *

(B) the Community Development Financial Institutions [Fund;] *Fund.*

* * *

[(N)] *(O)* the Uranium Enrichment Corporation.

* * *

SECTION 5. AMENDMENTS TO TITLE 49, UNITED STATES CODE

§ 106. Federal Aviation Administration

* * *

(b) The head of the Administration is the Administrator. The Administration has a Deputy Administrator. They are appointed by the President, by and with the consent of the Senate. When mak-

ing an appointment, the President shall consider the fitness of the individual to carry out efficiently the duties and powers of the office. The Administrator reports directly to the Secretary of Transportation. The term of office for any individual appointed as Administrator after [the date of the enactment of this sentence] *August 23, 1994,* shall be 5 years.

* * *

§ 111. Bureau of Transportation Statistics

* * *

(b) DIRECTOR.—

* * *

(4) TERM.—The term of the Director shall be 4 years. The term of the first Director to be appointed shall begin on the 180th day after [the date of the enactment of this section] *December 18, 1991*.

* * *

(g) PERFORMANCE OF FUNCTIONS OF DIRECTOR PENDING CONFIRMATION.—An individual who, on [the date of the enactment of this section] *December 18, 1991*, is performing any function required by this section to be performed by the Director may continue to perform such function until such function is undertaken by the Director.

* * *

§ 329. Transportation information

* * *

(b) The Secretary shall—

(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under chapter 11 of this title) including, at a minimum, information on (A) the origin and destination of passengers in interstate air transportation [(as those terms are used in such Act)] *(as that term is used in part A of subtitle VII of this title)*, and (B) the number of passengers traveling by air between any two points in interstate air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate air transportation and are not used for providing essential air transportation under subchapter II of chapter 417 of this title.

* * *

(d) To assist in carrying out duties and powers under part of A of subtitle VII of this title, the Secretary of Transportation shall

maintain separate cooperative agreements with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration for the timely exchange of information on their programs, policies, and requirements directly related to carrying out [that Act] *that part*.

* * *

§ 521. Civil penalties

* * *

(b)(1)(A) If the Secretary finds that a violation of a provision of subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title, or a violation of a regulation issued under any of those provisions, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

(B) The Secretary shall, not later than 60 days after [the date of enactment of this subparagraph] *November 3, 1990*, establish operational procedures to require a highway safety specialist or other appropriate representative of the Secretary to initiate, at the time of a safety review, compliance review, or other inspection or audit activity, or within a reasonable time thereafter, an enforcement action whenever any of the offenses referred to in paragraph (2)(A) and (B) can be documented, except recordkeeping violations not specified by the Secretary as serious. The procedures shall—

* * *

§ 701. Establishment of Board

* * *

(b) MEMBERSHIP.—(1) The Board shall consist of 3 members, to be appointed by the President, by and with the advice and consent of the Senate. Not more than 2 members may be appointed from the same political party.

* * *

(4) On [the effective date of this section] *January 1, 1996*, the members of the Interstate Commerce Commission serving unexpired terms on [the date of the enactment of the ICC Termination Act of 1995] *December 29, 1995,* shall become members of the Board, to serve for a period of time equal to the remainder of the term for which they were originally appointed to the Interstate

Commerce Commission. Any member of the Interstate Commerce Commission whose term expires on December 31, 1995, shall become a member of the Board, subject to paragraph (3).

* * *

§ 702. Functions

Except as otherwise provided in the ICC Termination Act of 1995, or the amendments made thereby, the Board shall perform all functions that, immediately before [the effective date of such Act] *January 1, 1996*, were functions of the Interstate Commerce Commission or were performed by any officer or employee of the Interstate Commerce Commission in the capacity as such officer or employee.

* * *

§ 726. Railroad-Shipper Transportation Advisory Council

(a) ESTABLISHMENT; MEMBERSHIP.—There is established the Railroad-Shipper Transportation Advisory Council (in this section referred to as the "Council") to be composed of 19 members, of which 15 members shall be appointed by the Chairman of the Board, after recommendation from rail carriers and shippers, within 60 days after [the date of enactment of the ICC Termination Act of 1995] *December 29, 1995*. The members of the Council shall be appointed as follows:

* * *

§ 5116. Planning and training grants, monitoring, and review

* * *

(j) SUPPLEMENTAL TRAINING GRANTS.—

* * *

(4) The Secretary may only make a grant to an organization under this subsection in a fiscal year if the organization enters into an agreement with the Secretary to train instructors to conduct hazardous materials response training programs in such fiscal year that will use—

(A) a course or courses developed or identified under [subsection (g)] *section 5115 of this title*; or

* * *

§ 5119. Uniform forms and procedures

* * *

(b) CONSULTATION AND REPORTING.—The working group—

* * *

(2) not later than November 16, 1993, shall submit to the Secretary, the Committee on Commerce, Science, and Trans-

portation of the Senate, and the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives a final report that contains—

(A) a detailed statement of its findings and conclusions; and

(B) its joint recommendations on the matters referred to in subsection (a) of this section.

* * *

§ 5303. Metropolitan planning

* * *

(f) DEVELOPING LONG-RANGE PLANS.—(1) Each metropolitan planning organization shall prepare and update periodically, according to a schedule the Secretary of Transportation decides is appropriate, a long-range plan for its metropolitan area under the requirements of this section. The plan shall be in the form the Secretary considers appropriate and at least shall—

* * *

(2) When formulating a long-range plan, the metropolitan planning organization shall consider the factors described in subsection [(e)] *(b)* of this section as they are related to a 20-year forecast period.

* * *

(h) BALANCED AND COMPREHENSIVE PLANNING.—(1) To the extent practicable, the Secretary of Transportation shall ensure that amounts made available under section 5338(g)(1) of this title to carry out this section and sections 5304–5306 of this title are used to support balanced and comprehensive transportation planning that considers the relationships among land use and all transportation modes, without regard to the programmatic source of the planning amounts.

* * *

(4) To the maximum extent practicable, the Secretary of Transportation shall ensure that no metropolitan planning organization is allocated less than the amount it received by administrative formula under this section in the fiscal year that ended September 30, 1991. To carry out this subsection, the Secretary may make a proportionate reduction in other amounts made available to carry out section [5338(g)(1)] *5338(g)* of this title.

* * *

§ 5307. Block grants

(a) DEFINITIONS.—In this section—

* * *

(2) "designated recipient" means—

(A) a person designated, consistent with the planning process under sections 5303–5306 of this title, by the chief executive officer of a State, responsible local officials, and publicly owned operators of mass transportation to receive and apportion amounts under section 5336 of this title that are attributable to transportation management areas established under section 5305(a) of this title; *or*

(B) a State or regional authority if the authority is responsible under the laws of a State for a capital project and for financing and directly providing mass transportation**[**; or**]** .

[(C) a recipient designated under section 5(b)(1) of the Federal Transit Act not later than January 5, 1983.**]**

* * *

(d) GRANT RECIPIENT REQUIREMENTS.—A recipient may receive a grant in a fiscal year only if—

(1) the recipient, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (c) of this section and a certification for that fiscal year that the recipient (including a person receiving amounts from a chief executive officer of a State under this section)—

* * *

(H) will comply with sections **[**5301(a) and (d), 5303–5306, and 5310(a)–(d)**]** *5301(a) and (d) and 5303–5306* of this title;

* * *

§ 5309. Discretionary grants and loans

(a) GENERAL AUTHORITY.—*(1)* The Secretary of Transportation may make grants and loans under this section to assist State and local governmental authorities in financing—

[(1)**]** *(A)* capital projects for new fixed guideway systems, and extensions to existing fixed guideway systems, including the acquisition of real property, the initial acquisition of rolling stock for the systems, alternatives analysis related to the development of the systems, and the acquisition of rights of way, and relocation, for fixed guideway corridor development for projects in the advanced stages of alternatives analysis or preliminary engineering;

[(2)**]** *(B)* capital projects, including property and improvements (except public highways other than fixed guideway facilities), needed for an efficient and coordinated mass transportation system;

[(3)**]** *(C)* the capital costs of coordinating mass transportation with other transportation;

[(4)**]** *(D)* the introduction of new technology, through innovative and improved products, into mass transportation;

[(5)**]** *(E)* transportation projects that enhance urban economic development or incorporate private investment, includ-

ing commercial and residential development, because the projects—

[(A)] *(i)* enhance the effectiveness of a mass transportation project and are related physically or functionally to that mass transportation project; or

[(B)] *(ii)* establish new or enhanced coordination between mass transportation and other transportation;

[(6)] *(F)* mass transportation projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities; and

[(7)] *(G)* the development of corridors to support fixed guideway systems, including protecting rights of way through acquisition, construction of dedicated bus and high occupancy vehicle lanes and park and ride lots, and other nonvehicular capital improvements that the Secretary may decide would result in increased mass transportation usage in the corridor.

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

* * *

(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—(1) This subsection applies to a project—

* * *

(4)(A) The Secretary of Transportation shall issue guidelines on how the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

(B) The project justification under paragraph [(1)(B)] *(2)(B)* of this subsection shall be adjusted to reflect differences in local land, construction, and operating costs.

* * *

(g) LETTERS OF INTENT, FULL FINANCING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—(1)(A) The Secretary of Transportation may issue a letter of intent to an applicant announcing an intention to obligate, for a project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. The amount shall be sufficient to complete at least an operable segment when a letter is issued for a fixed guideway project.

(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph, the Secretary of Transportation shall notify in writing the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of the proposed issuance of the letter.

* * *

(m) ALLOCATING AMOUNTS.—(1) Of the amounts available for grants and loans under this section for each of the fiscal years ending September 30, 1993–1997—

(A) 40 percent is available for *rail* fixed guideway modernization;

* * *

(3) Not later than January 20 of each year, the Secretary of Transportation shall submit to the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

* * *

§ 5315. National mass transportation institute

* * *

(d) AVAILABILITY OF AMOUNTS.—Not more than .5 percent of the amounts made available for a fiscal year beginning after September 30, 1991, to a State or public mass transportation authority in the State to carry out sections [5304 and 5306] *5307 and 5309* of this title is available for expenditure by the State and public mass transportation authorities in the State, with the approval of the Secretary, to pay not more than 80 percent of the cost of tuition and direct educational expenses related to educating and training State and local transportation employees under this section.

* * *

§ 5317. Transportation centers

(b) GRANTS FOR UNIVERSITY TRANSPORTATION CENTERS.—(1) To accelerate the involvement and participation of minority individuals and women in transportation-related professions, particularly in the science, technology, and engineering disciplines, the Secretary shall make grants to Morgan State University to establish a national center for transportation management, research, and development. The center shall give special attention to designing, developing, and carrying out research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce.

* * *

(5)(A) The Secretary shall make grants to the University of Idaho to establish a National Center for Advanced Transportation Technology. The Center shall be established and operated in partnership with private industry and shall conduct industry-driven research and development activities that focus on transportation-re-

lated manufacturing and engineering processes, materials, and equipment.

* * *

(C) Amounts authorized by section 5338(e)(2) of this title may be obligated in the same way as amounts apportioned under chapter 1 of title 23 (except that the Government share of the cost of the activities conducted under *subparagraph (B) of* this paragraph is 80 percent and the amounts remain available until expended) and are not subject to an obligational limitation.

(D) A grant made under this paragraph is not subject to the requirements of this section **[**(except this paragraph)**]**.

* * *

§ 5323. General provisions on assistance

* * *

(b) NOTICE AND PUBLIC HEARING.—(1) An application for a grant or loan under this chapter **[**(except section 5307)**]** for a capital project that will affect substantially a community, or the mass transportation service of a community, must include a certificate of the applicant that the applicant has—

* * *

(c) ACQUIRING NEW BUS MODELS.—Amounts appropriated or made available under this chapter **[**(except section 5307)**]** after September 30, 1989, may be obligated or expended to acquire a new bus model only if a bus of the model has been tested at the facility established under section 5318 of this title.

* * *

(e) BUS PASSENGER SEAT FUNCTIONAL SPECIFICATIONS.—The initial advertising by a State or local governmental authority for bids to acquire buses using financial assistance under this chapter **[**(except section 5307)**]** may include passenger seat functional specifications that are at least equal to performance specifications the Secretary of Transportation prescribes. The specifications shall be based on a finding by the State or local governmental authority of local requirements for safety, comfort, maintenance, and life cycle costs.

* * *

§ 5325. Contract requirements

* * *

(d) **[**MANAGEMENT, ARCHITECTURAL, AND ENGINEERING CONTRACTS**]** *ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS*.—A contract for program management, construction management, a feasibility study, and preliminary engineering, design, architectural, engineering, surveying, mapping, or related services for a project for which a grant or loan is made under this chapter shall

be awarded in the same way as a contract for architectural or engineering services is negotiated under title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.) or an equivalent qualifications-based requirement of a State. This subsection does not apply to the extent a State has adopted or adopts by law a formal procedure for procuring those services.

* * *

§ 5327. Project management oversight

* * *

(c) LIMITATIONS ON USE OF AVAILABLE AMOUNTS.—(1) The Secretary may use not more than .5 percent of amounts made available for a fiscal year to carry out section 5307, 5309, or 5311 of this title, an interstate transfer mass transportation project under section 103(e)(4) of title 23 as in effect on September 30, 1991, or a project under the National Capital Transportation Act of 1969 (Public Law 91–143, 83 Stat. 320) to make a contract to oversee the construction of a major project under section 5307, 5309, 5311, or 103(e)(4) or that Act. The Secretary may use when necessary not more than an additional .25 percent of amounts made available in a fiscal year to carry out a major project under section [5307] *5309* to make a contract to oversee the construction of the project.

* * *

§ 5328. Project review

* * *

(b) ALLOWED DELAYS.—(1) Advancement of a project under the time requirements of subsection (a) of this section may be delayed only—

* * *

(3) At least once every 6 months, the Secretary shall report to the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on each situation in which the Secretary has not met a time requirement of subsection (a) of this section or delayed a time requirement under paragraph (1)(B) of this subsection. The report shall explain the reasons for the delay and include a plan for achieving timely completion of the Secretary's review.

* * *

§ 5334. Administrative

* * *

(b) PROCEDURES FOR PRESCRIBING REGULATIONS.—(1) The Secretary of Transportation shall prepare an agenda listing all areas in which the Secretary intends to propose regulations governing activities under this chapter within the following 12 months. The

Secretary shall publish the proposed agenda in the Federal Register as part of the Secretary's semiannual regulatory agenda that lists regulatory activities of the Federal Transit Administration. The Secretary shall submit the agenda to the Committees on [Public Works and Transportation] *Transportation and Infrastructure* and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate on the day the agenda is published.

* * *

§ 5335. Reports and audits

* * *

(b) QUARTERLY REPORTS.—Not later than 30 days after the last day of each calendar quarter, the Secretary shall submit to the Committees on [Public Works and Transportation] *Transportation and Infrastructure* and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate a report on—

* * *

(c) BIENNIAL NEEDS REPORT.—In January 1993 and in January of every 2d year after 1993, the Comptroller General shall submit to the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing an evaluation of the extent to which current mass transportation needs are addressed adequately and an estimate of the future mass transportation needs of the United States, including mass transportation needs in rural areas (particularly access to health care facilities). The report shall include—

* * *

(d) BIENNIAL TRANSFERABILITY REPORT.—In January 1993 and in January of every 2d year after 1993, the Comptroller General shall submit to the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on carrying out section 5307(b)(5) of this title. The report shall—

* * *

(2) include an assessment of the impact of the transfers on the mass transportation needs of individuals and communities in the State, including the impact on—

* * *

(B) efforts to meet the objectives of the Clean Air Act (42 U.S.C. 7401 et seq.) and the Americans [With] *with* Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

* * *

§ 5336. Apportionment of appropriations for block grants

* * *

(b) BASED ON FIXED GUIDEWAY REVENUE VEHICLE-MILES, ROUTE-MILES, AND PASSENGER-MILES.—(1) In this subsection, "fixed guideway revenue vehicle-miles" and "fixed guideway route-miles" include ferry boat operations directly or under contract by the designated recipient.

(2) Of the amount apportioned under subsection (a)(2) of this section, 33.29 percent shall be apportioned as follows:

(A) 95.61 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) 60 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway revenue vehicle-miles attributable to the area, as established by the Secretary of Transportation, divided by the total number of all fixed guideway revenue vehicle-miles attributable to all areas; and

(ii) 40 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway route-miles attributable to the area, established by the Secretary, divided by the total number of all fixed guideway route-miles attributable to all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

(B) 4.39 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

(i) the number of fixed guideway vehicle passenger-miles traveled multiplied by the number of fixed guideway vehicle passenger-miles traveled for each dollar of operating cost in an area; divided by

(ii) the total number of fixed guideway vehicle passenger-miles traveled multiplied by the total number of fixed guideway vehicle passenger-miles traveled for each dollar of operating cost in all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

[(C) An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subsection.**]**

[(D)**]** *(C)* Under subparagraph (A) of this paragraph, fixed guideway revenue vehicle- or route-miles, and passengers served on those miles, in an urbanized area with a population

of less than 200,000, where the miles and passengers served otherwise would be attributable to an urbanized area with a population of at least 1,000,000 in an adjacent State, are attributable to the governmental authority in the State in which the urbanized area with a population of less than 200,000 is located. The authority is deemed an urbanized area with a population of at least 200,000 if the authority makes a contract for the service.

[(E)**]** *(D)* A recipient's apportionment under subparagraph (A)(i) of this paragraph may not be reduced if the recipient, after satisfying the Secretary of Transportation that energy or operating efficiencies would be achieved, reduces revenue vehicle-miles but provides the same frequency of revenue service to the same number of riders.

* * *

§ 5338. Authorizations

* * *

(g) PLANNING, PROGRAMMING, AND RESEARCH.—Before apportioning in each fiscal year amounts made available or appropriated under subsection (a) of this section, an amount equal to 3 percent of amounts made available or appropriated under subsections (a) and (b) of this section is available as follows:

* * *

(2) 5 percent to carry out section **[**5308(b)(2)**]** *5311(b)(2)* of this title.

* * *

§ 10501. General jurisdiction

* * *

(c)(1) In this subsection—

* * *

(3)(A) Notwithstanding paragraph (2) of this subsection, a local governmental authority, described in paragraph (2), is subject to applicable laws of the United States related to—

(i) safety;

(ii) the representation of employees for collective bargaining; and

(iii) employment, retirement, annuity, and unemployment systems or other provisions related to dealings between employees and employers.

(B) The Board has jurisdiction under sections 11102 and 11103 of this title over transportation provided by a local governmental authority only if the Board finds that such governmental authority meets all of the standards and requirements for being a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission that were in effect immediately before **[**the effective date of the ICC Termination Act of 1995**]** *January 1,*

1996. The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act, the Railroad Retirement Act of 1974, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act.

* * *

§ 10701. Standards for rates, classifications, through routes, rules, and practices

* * *

(d)(1) If the Board determines, under section 10707 of this title, that a rail carrier has market dominance over the transportation to which a particular rate applies, the rate established by such carrier for such transportation must be reasonable.

* * *

(3) The Board shall, within one year after **[**the effective date of this paragraph**]** *January 1, 1996*, complete the pending Interstate Commerce Commission non-coal rate guidelines proceeding to establish a simplified and expedited method for determining the reasonableness of challenged rail rates in those cases in which a full stand-alone cost presentation is too costly, given the value of the case.

* * *

§ 10704. Authority and criteria: rates, classifications, rules, and practices prescribed by Board

* * *

(d) Within 9 months after **[**the effective date of the ICC Termination Act of 1995**]** *January 1, 1996*, the Board shall establish procedures to ensure expeditious handling of challenges to the reasonableness of railroad rates. The procedures shall include appropriate measures for avoiding delay in the discovery and evidentiary phases of such proceedings and exemption or revocation proceedings, including appropriate sanctions for such delay, and for ensuring prompt disposition of motions and interlocutory administrative appeals.

* * *

§ 10706. Rate agreements: exemption from antitrust laws

(a)(1) In this subsection—

* * *

(5)(A) Whenever two or more shippers enter into an agreement to discuss among themselves that relates to the amount of compensation such shippers propose to be paid by rail carriers providing transportation subject to the jurisdiction of the Board under this part, for use by such rail carriers of rolling stock owned or leased by such shippers, the shippers shall apply to the Board for

approval of that agreement under this paragraph. The Board shall approve the agreement only when it finds that the making and carrying out of the agreement will further the transportation policy set forth in section 10101 of this title and may require compliance with conditions necessary to make the agreement further that policy as a condition of approval. If the Board approves the agreement, it may be made and carried out under its terms and under the terms required by the Board, and the antitrust laws set forth in paragraph (2) of this subsection do not apply to parties and other persons with respect to making or carrying out the agreement. The Board shall approve or disapprove an agreement under this paragraph within one year after the date application for approval of such agreement is made.

* * *

(C) Nothing in this paragraph shall be construed to change the law in effect prior to [the effective date of the Staggers Rail Act of 1980] *October 1, 1980,* with respect to the obligation of rail carriers to utilize rolling stock owned or leased by shippers.

* * *

§ 10709. Contracts

* * *

(e) Any lawful contract between a rail carrier and one or more purchasers of rail service that was in effect on [the effective date of the Staggers Rail Act of 1980] *October 1, 1980,* shall be considered a contract authorized by this section.

* * *

§ 11101. Common carrier transportation, service, and rates

* * *

(f) The Board shall, by regulation, establish rules to implement this section. The regulations shall provide for immediate disclosure and dissemination of rates and service terms, including classifications, rules, and practices, and their effective dates. Final regulations shall be adopted by the Board not later than 180 days after [the effective date of the ICC Termination Act of 1995] *January 1, 1996*.

* * *

§ 11301. Equipment trusts: recordation; evidence of indebtedness

* * *

(f) The Board shall collect, maintain, and keep open for public inspection a railway equipment register consistent with the manner and format maintained by the Interstate Commerce Commission as of [the effective date of the ICC Termination Act of 1995] *January 1, 1996*.

* * *

[PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

CHAPTER 131—GENERAL PROVISIONS]

PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND FREIGHT FORWARDERS

CHAPTER 131—GENERAL PROVISIONS

** *

§ 13102. Definitions

In this part, the following definitions shall apply:

* * *

(4) CONTRACT CARRIAGE.—The term "contract carriage" means—

(A) for transportation provided before [the effective date of this section] *January 1, 1996*, service provided pursuant to a permit issued under section 10923, as in effect on [the day before the effective date of this section] *December 31, 1995*; and

(B) for transportation provided [on or after such date] *after December 31, 1995*, service provided under an agreement entered into under section 14101(b).

* * *

§ 13703. Certain collective activities; exemption from antitrust laws

* * *

(e) EXISTING AGREEMENTS.—Agreements approved under former section 10706(b) and in effect on [the day before the effective date of this section] *December 31, 1995,* shall be treated for purposes of this section as approved by the Board under this section beginning on [such effective date] *January 1, 1996*.

(f) LIMITATIONS ON STATUTORY CONSTRUCTION.—

* * *

(2) OBLIGATION OF SHIPPER.—Nothing in this title, the ICC Termination Act of 1995, or any amendments or repeals made by such Act shall be construed as creating any obligation for a shipper based solely on a classification that was on file with the Interstate Commerce Commission or elsewhere on [the day before the effective date of this section] *December 31, 1995*.

* * *

§ 13709. Procedures for resolving claims involving unfiled, negotiated transportation rates

(a) TRANSPORTATION PROVIDED AT RATES OTHER THAN LEGAL TARIFF RATES.—

(1) IN GENERAL.—When a claim is made by a motor carrier of property (other than a household goods carrier) providing transportation subject to jurisdiction under subchapter II of chapter 105 (as in effect on [the day before the effective date of this section] *December 31, 1995*) or subchapter I of chapter 135, by a freight forwarder (other than a household goods freight forwarder), or by a party representing such a carrier or freight forwarder regarding the collection of rates or charges for such transportation in addition to those originally billed and collected by the carrier or freight forwarder for such transportation, the person against whom the claim is made may elect to satisfy the claim under the provisions of subsection (b), (c), or (d), upon showing that—

* * *

(3) EFFECT OF SATISFACTION OF CLAIMS.—Satisfaction of the claim under subsection (b), (c), or (d) shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title, as such chapter was in effect on [the day before the effective date of this section] *December 31, 1995*, or chapter 149.

* * *

(e) EFFECTS OF ELECTION.—When a person from whom additional legally applicable freight rates or charges are sought does not elect to use the provisions of subsection (b), (c) or (d), the person may pursue all rights and remedies existing under this part or, for transportation provided before [the effective date of this section] *January 1, 1996*, all rights and remedies that existed under this title on [the day before such effective date] *December 31, 1995*.

* * *

§ 13710. Additional billing and collecting practices

(a) MISCELLANEOUS PROVISIONS.—

* * *

(4) VOIDING OF CERTAIN TARIFFS.—Any tariff on file with the Interstate Commerce Commission on August 26, 1994, and not required to be filed after that date is null and void beginning on that date. Any tariff on file with the Interstate Commerce Commission on [the effective date of this section] *January 1, 1996,* and not required to be filed after that date is null and void beginning on that date.

(b) RESOLUTION OF DISPUTES OVER STATUS OF COMMON CARRIER OR CONTRACT CARRIER.—If a motor carrier (other than a motor carrier providing transportation of household goods) that was subject

to jurisdiction under subchapter II of chapter 105, as in effect on [the day before the effective date of this section] *December 31, 1995*, and that had authority to provide transportation as both a motor common carrier and a motor contract carrier and a dispute arises as to whether certain transportation that was provided prior to [the effective date of this section] *January 1, 1996,* was provided in its common carrier or contract carrier capacity and the parties are not able to resolve the dispute consensually, the Board shall resolve the dispute.

§ 13711. Alternative procedure for resolving undercharge disputes

(a) GENERAL RULE.—It shall be an unreasonable practice for a motor carrier of property (other than a household goods carrier) providing transportation subject to jurisdiction under subchapter I of chapter 135 [or, before the effective date of this section] *or, before January 1, 1996*, to have provided transportation that was subject to jurisdiction under subchapter II of chapter 105, as in effect on [the day before the effective date of this section] *December 31, 1995*, a freight forwarder (other than a household goods freight forwarder), or a party representing such a carrier or freight forwarder to attempt to charge or to charge for a transportation service the difference between (1) the applicable rate that was lawfully in effect pursuant to a tariff that was filed in accordance with this chapter or, with respect to transportation [provided before the effective date of this section] *provided before January 1, 1996*, in accordance with chapter 107, as in effect on the date the transportation was provided, by the carrier or freight forwarder applicable to such transportation service, and (2) the negotiated rate for such transportation service if the carrier or freight forwarder is no longer transporting property between places described in section 13501(1) or is transporting property between places described in section 13501(1) for the purpose of avoiding application of this section.

* * *

(d) TREATMENT.—Subsection (a) is an exception to the requirements of section 13702 and, for transportation provided before [the effective date of this section] *January 1, 1996*, to the requirements of sections 10761(a) and 10762, as in effect on [the day before such effective date] *December 31, 1995*, as such sections relate to a filed tariff rate and other general tariff requirements.

* * *

(g) APPLICABILITY TO PENDING CASES.—This section shall apply to all cases and proceedings pending on [the effective date of this section] *January 1, 1996*.

* * *

§ 13902. Registration of motor carriers

* * *

(b) MOTOR CARRIERS OF PASSENGERS.—

* * *

(8) DEFINITIONS.—In this subsection, the following definitions apply:

(A) PUBLIC RECIPIENT OF GOVERNMENTAL ASSISTANCE.—The term "public recipient of governmental assistance" means—

(i) any State,

(ii) any municipality or other political subdivision of a State,

(iii) any public agency or instrumentality of one or more States and municipalities and political subdivisions of a State,

(iv) any Indian tribe, *and*

(v) any corporation, board, or other person owned or controlled by any entity described in clause (i), (ii), (iii), or (iv), [and]

which before, on, or after [the effective date of this subsection] *January 1, 1996,* received governmental assistance for the purchase or operation of any bus.

(B) PRIVATE RECIPIENT OF GOVERNMENT ASSISTANCE.—The term "private recipient of government assistance" means any person (other than a person described in subparagraph (A)) who before, on, or after [the effective date of this paragraph] *January 1, 1996,* received governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.

(c) RESTRICTIONS ON MOTOR CARRIERS DOMICILED IN OR OWNED OR CONTROLLED BY NATIONALS OF A CONTIGUOUS FOREIGN COUNTRY.—

* * *

(4) PROTECTION OF EXISTING OPERATIONS.—Unless and until the President, or the delegate thereof, makes a determination under paragraph (1) or (3), nothing in this subsection shall affect—

(A) operations of motor carriers of property or passengers domiciled in any contiguous foreign country or owned or controlled by persons of any contiguous foreign country permitted in the commercial zones along the United States-Mexico border as such zones were defined on [the day before the effective date of this section] *December 31, 1995*; or

* * *

(d) TRANSITION RULE.—

(1) IN GENERAL.—Pending the implementation of the rulemaking required by section 13908, the Secretary may register a person under this section—

(A) as a motor common carrier if such person would have been issued a certificate to provide transportation as a motor common carrier under this subtitle on [the day before the effective date of this section] *December 31, 1995*; and

* * *

(2) DEFINITIONS.—In this subsection, the terms "motor common carrier" and "motor contract carrier" have the meaning such terms had under section 10102 as such section was in effect on [the day before the effective date of this section] *December 31, 1995*.

* * *

§ 13905. Effective periods of registration

(a) PERSON HOLDING ICC AUTHORITY.—Any person having authority to provide transportation or service as a motor carrier, freight forwarder, or broker under this title, as in effect on [the day before the effective date of this section] *December 31, 1995*, shall be deemed, for purposes of this part, to be registered to provide such transportation or service under this part.

* * *

§ 13906. Security of motor carriers, brokers, and freight forwarders

* * *

(d) TYPE OF INSURANCE.—The Secretary may determine the type and amount of security filed under this section. A motor carrier may submit proof of qualifications as a self-insurer to satisfy the security requirements of this section. The Secretary shall adopt regulations governing the standards for approval as a self-insurer. Motor carriers which have been granted authority to self-insure as of [the effective date of this section] *January 1, 1996,* shall retain that authority unless, for good cause shown and after notice and an opportunity for a hearing, the Secretary finds that the authority must be revoked.

* * *

§ 13907. Household goods agents

* * *

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) HOUSEHOLD GOODS.—The term "household goods" has the meaning such term had under section 10102(11) of this title, as in effect on [the day before the effective date of this section] *December 31, 1995*.

(2) TRANSPORTATION.—The term "transportation" means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on [the day before such effective date] *December 31, 1995*, if such subchapter were still in effect.

§ 13908. Registration and other reforms

* * *

(d) STATE REGISTRATION PROGRAMS.—If the Secretary determines that no State should require insurance filings or collect fees for such filings (including filings and fees authorized under section 14504), the Secretary may prevent any State or political subdivision thereof, or any political authority of 2 or more States, from imposing any insurance filing requirements or fees that are for the same purposes as filings or fees the Secretary requires under the new system under subsection (a). The Secretary may not take any action pursuant to this subsection unless—

(1) fees that will be collected by the Secretary under subsection (c) and distributed in each fiscal year to the States will provide each State with at least as much revenue as that State received in fiscal year 1995 under section 11506, as in effect on [the day before the effective date of this section] *December 31, 1995*; and

* * *

(e) DEADLINE FOR CONCLUSION; MODIFICATIONS.—Not later than 24 months after [the effective date of this section] *January 1, 1996*, the Secretary—

* * *

§ 14302. Pooling and division of transportation or earnings

* * *

(c) PROCEDURE.—

* * *

(4) SPECIAL RULES FOR HOUSEHOLD GOODS CARRIERS.—In the case of an application for Board approval of an agreement or combination between a motor carrier providing transportation of household goods and its agents to pool or divide traffic or services or any part of their earnings, such agreement or combination shall be presumed to be in the interest of better service to the public and of economy in operation and not to restrain competition unduly if the practices proposed to be carried out under such agreement or combination are the same as or similar to practices carried out under agreements and combinations between motor carriers providing transportation of household goods to pool or divide traffic or service of any part of their earnings approved by the Interstate Commerce Com-

mission before [the effective date of this section] *January 1, 1996*.

* * *

(g) CONTINUATION OF EXISTING AGREEMENTS.—Any agreements in operation under the provisions of this title on [the effective date of this section] *January 1, 1996,* that are succeeded by this section shall remain in effect until further order of the Board.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) HOUSEHOLD GOODS.—The term "household goods" has the meaning such term had under section 10102(11) of this title, as in effect on [the day before the effective date of this section] *December 31, 1995*.

(2) TRANSPORTATION.—The term "transportation" means transportation that would be subject to the jurisdiction of the Interstate Commerce Commission under subchapter II of chapter 105 of this title, as in effect on [the day before such effective date] *December 31, 1995*, if such subchapter were still in effect.

* * *

§ 14706. Liability of carriers under receipts and bills of lading

* * *

(g) MODIFICATIONS AND REFORMS.—

* * *

(3) REPORT.—Not later than 12 months after [the effective date of this section] *January 1, 1996*, the Secretary shall submit to Congress a report on the results of the study, together with any recommendations of the Secretary (including legislative recommendations) for implementing modifications or reforms identified by the Secretary as being appropriate.

* * *

§ 14708. Dispute settlement program for household goods carriers

* * *

(g) REVIEW BY SECRETARY.—Not later than 18 months after [the effective date of this section] *January 1, 1996*, the Secretary shall complete a review of the dispute settlement program established under this section. If, after notice and opportunity for comment, the Secretary determines that changes are necessary to such program to ensure the fair and equitable resolution of disputes under this section, the Secretary shall implement such changes and transmit a report to Congress on such changes.

§ 14709. Tariff reconciliation rules for motor carriers of property

Subject to review and approval by the Board, motor carriers subject to jurisdiction under subchapter I of chapter 135 (other than motor carriers providing transportation of household goods) and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from incorrect tariff provisions or billing errors arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with section 13702 or, with respect to transportation provided before [the effective date of this section] *January 1, 1996*, sections 10761 and 10762, as in effect on [the day before the effective date of this section] *December 31, 1995*. Resolution of such claims among the parties shall not subject any party to the penalties for departing from a tariff.

* * *

[PART C—PIPELINE CARRIERS] *PART C—PIPELINE CARRIERS*

CHAPTER 151—GENERAL PROVISIONS

[CHAPTER 151—GENERAL PROVISIONS]

* * *

CHAPTER 153—JURISDICTION

[CHAPTER 153—JURISDICTION]

* * *

CHAPTER 157—OPERATIONS OF CARRIERS

[CHAPTER 157—OPERATIONS OF CARRIERS]

[SUBCHAPTER A—GENERAL REQUIREMENTS] *SUBCHAPTER A—GENERAL REQUIREMENTS*

* * *

[SUBCHAPTER B—OPERATIONS OF CARRIERS] *SUBCHAPTER B—OPERATIONS OF CARRIERS*

* * *

[SUBCHAPTER A—GENERAL REQUIREMENTS] *SUBCHAPTER A—GENERAL REQUIREMENTS*

§ 15701. Providing transportation and service

* * *

(e) REGULATIONS.—The Board shall, by regulation, establish rules to implement this section. The regulations shall provide for immediate disclosure and dissemination of rates and service terms, including classifications, rules, and practices, and their effective dates. The regulations may modify the 20-day period specified in

subsection (c). Final regulations shall be adopted by the Board not later than 180 days after [the effective date of this section] *January 1, 1996*.

[SUBCHAPTER B—OPERATIONS OF CARRIERS] *SUBCHAPTER B—OPERATIONS OF CARRIERS*

* * *

CHAPTER 159—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

[CHAPTER 159—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES]

Sec.
15901. General authority.
15902. Enforcement by the Board.
15903. Enforcement by the Attorney General.
15904. Rights and remedies of persons injured by certain carriers.
15905. Limitation on actions by and against pipeline carriers.
15906. Liability of pipeline carriers under receipts and bills of lading.
[15907. Liability when property is delivered in violation of routing instructions.]

* * *

CHAPTER 161—CIVIL AND CRIMINAL PENALTIES

[CHAPTER 161—CIVIL AND CRIMINAL PENALTIES]

* * *

SUBTITLE V—RAIL PROGRAMS

* * *

PART E—MISCELLANEOUS

281. LAW ENFORCEMENT 28101
283. MAXIMUM HOURS OF WORK 28301

* * *

§ 20133. Passenger cars

* * *

(b) INITIAL AND FINAL REGULATIONS.—(1) The Secretary shall prescribe initial regulations under subsection (a) within 3 years after [the date of enactment of the Federal Railroad Safety Authorization Act of 1994] *November 2, 1994*. The initial regulations may exempt equipment used by tourist, historic, scenic, and excursion railroad carriers to transport passengers.

(2) The Secretary shall prescribe final regulations under subsection (a) within 5 years after [such date of enactment] *November 2, 1994*.

* * *

§ 20134. Grade crossings and railroad rights of way

* * *

(c) DEMONSTRATION PROJECTS.—(1) The Secretary shall establish demonstration projects to evaluate whether accidents and incidents involving trains would be reduced by—

* * *

(2) Not later than June 22, 1990, the Secretary shall submit a report on the results of the demonstration projects to the Committee on [Energy and Commerce] *Transportation and Infrastructure* of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

* * *

§ 20145. Report on bridge displacement detection systems

Not later than 18 months after [the date of enactment of the Federal Railroad Safety Authorization Act of 1994] *November 2, 1994*, the Secretary of Transportation shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on [Energy and Commerce] *Transportation and Infrastructure* of the House of Representatives a report concerning any action that has been taken by the Secretary on railroad bridge displacement detection systems.

§ 20146. Institute for Railroad Safety

The Secretary of Transportation, in conjunction with a university or college having expertise in transportation safety, shall establish, within one year after [the date of enactment of the Federal Railroad Safety Authorization Act of 1994] *November 2, 1994*, an Institute for Railroad Safety. The Institute shall research, develop, fund, and test measures for reducing the number of fatalities and injuries relevant to railroad operations. There are authorized to be appropriated to the Secretary $1,000,000 for each of the fiscal years 1996 through 2000 to fund activities carried out under this section by the Institute, which shall report at least once each year on its use of such funds in carrying out such activities and the results thereof to the Secretary of Transportation and the Congress.

* * *

§ 20151. Railroad trespassing and vandalism prevention strategy

(a) EVALUATION OF EXISTING LAWS.—In consultation with affected parties, the Secretary of Transportation shall evaluate and review current local, State, and Federal laws regarding trespassing on railroad property and vandalism affecting railroad safety, and develop model prevention strategies and enforcement laws to be used for the consideration of State and local legislatures and governmental entities. The first such evaluation and review shall be completed within 1 year after [the date of enactment of the Fed-

eral Railroad Safety Authorization Act of 1994] *November 2, 1994*. The Secretary shall revise such model prevention strategies and enforcement codes periodically.

* * *

(c) MODEL LEGISLATION.—Within 18 months after [the date of enactment of the Federal Railroad Safety Authorization Act of 1994] *November 2, 1994*, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for—

* * *

§ 20152. Emergency notification of grade crossing problems

* * *

(b) REPORT.—The Secretary shall complete the pilot program not later than 24 months after [the date of enactment of this section] *November 2, 1994*, and shall submit to the Congress not later than 30 month after [that date] *November 2, 1994,* an evaluation of the pilot program, together with findings as to the effectiveness of such emergency notification systems. The report shall compare and contrast the structure, cost, and effectiveness of the pilot program with other emergency notification systems in effect within other States. Such evaluation shall include analyses of the safety benefits derived from the programs, cost effectiveness, and the burdens on participants, including railroad carriers and law enforcement personnel.

§ 20153. Audible warnings at highway-rail grade crossings

* * *

(g) ISSUANCE.—The Secretary shall issue regulations required by this section pertaining to categories of highway-rail grade crossings that in the judgment of the Secretary pose the greatest safety hazard to rail and highway users not later than 24 months following [the date of enactment of this section] *November 2, 1994*. The Secretary shall issue regulations pertaining to any other categories of crossings not later than 48 months following [the date of enactment of this section] *November 2, 1994*.

* * *

§ 20301. Definition and nonapplication

* * *

(b) NONAPPLICATION.—This chapter does not apply to the following:

* * *

(3) a locomotive used in hauling a train referred to in clause (2) of this subsection when the locomotive and cars of the train are used only to transport logs.

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

* * *

§ 21301. Chapter 201 general violations

(a) PENALTY.—(1) *A person may not fail to comply with a regulation prescribed or order issued by the Secretary of Transportation under chapter 201 of this title.* Subject to section 21304 of this title, a person violating a regulation prescribed or order issued by the Secretary [of Transportation] under chapter 201 [of this title] is liable to the United States Government for a civil penalty. The Secretary shall impose the penalty applicable under paragraph (2) of this subsection. A separate violation occurs for each day the violation continues.

* * *

§ 21303. Chapter 211 violations

(a) PENALTY.—(1) Subject to section 21304 of this title, a person violating [chapter 211 of this title] *chapter 211 of this title,* or violating any provision of a waiver applicable to that person that has been granted under section 21108 of this title, is liable to the United States Government for a civil penalty. An act by an individual that causes a railroad carrier to be in violation is a violation. For a violation of section 21106 of this title, a separate violation occurs for each day a facility is not in compliance.

* * *

§ 22106. Limitations on financial assistance

* * *

(b) HOLDING AND USE OF GOVERNMENT'S SHARE.—The State shall place the United States Government's share of money that is repaid in an interest-bearing account. However, the Secretary of Transportation may allow a borrower to place that money, for the benefit of the State, in a bank designated by the Secretary of the Treasury under section 10 of the Act of June 11, 1942 (12 U.S.C. 265). The State shall use the money and accumulated interest to make other grants and loans under this chapter *in the same manner and under the same conditions as if they were originally granted to the State by the Secretary of Transportation*.

* * *

§ 22108. Authorization of appropriations

* * *

(b) DISTRIBUTION OF AMOUNTS.—The Secretary shall establish procedures necessary to ensure that amounts available to the Secretary for projects under this chapter are distributed not later than April 1 of the fiscal year for which the amounts are appropriated. If any amounts are not distributed by April 1, the Secretary shall report to the Committee on [Energy and Commerce] *Transportation and Infrastructure* of the House of Representatives and the

Committee on Commerce, Science, and Transportation of the Senate on the status of those amounts and the reasons for the delay in distribution.

* * *

§ 24314. Demonstration of new technology

* * *

(b) REPORT.—Not later than September 30, 1993, Amtrak shall submit to the Committee on [Energy and Commerce] *Transportation and Infrastructure* of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the plan developed under subsection (a) of this section, including its goals, locations for technology demonstration, and a schedule for carrying out the plan.

* * *

§ 24702. Improving rail passenger transportation

* * *

(c) HIGH-SPEED RAIL TRANSPORTATION DEVELOPMENT.—On reasonable request by a State, political subdivision of a State, regional partnership, private sector representative, or other qualified person, Amtrak shall consult and cooperate to the extent feasible with that person to assist the efforts of that person to achieve high-speed rail transportation through equipment upgrades, grade-crossing safety improvements, and incremental infrastructure improvements on existing rail facilities that Amtrak uses (except the Northeast Corridor facilities). Not later than September 30, 1993, Amtrak shall submit to the Committee on [Energy and Commerce] *Transportation and Infrastructure* of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on its efforts under this subsection.

* * *

§ 24903. Program master plan for Boston-New York main line

(a) CONTENTS.—Not later than October 27, 1993, in consultation with Amtrak and the commuter and freight rail carriers operating over the Northeast Corridor main line between Boston, Massachusetts, and New York, New York, the Secretary of Transportation shall submit to the Committee on [Energy and Commerce] *Transportation and Infrastructure* of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a program master plan for a coordinated program of improvements to that main line that will allow the establishment of regularly scheduled, safe, and dependable rail passenger transportation between Boston, Massachusetts, and New York, New York, in not more than 3 hours, including intermediate stops. The plan shall include—

* * *

Sept. 3, 5, 1916, ch. 436, 39 Stat. 721

[That beginning January first, nineteen hundred and seventeen, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of the Act of February fourth, eighteen hundred and eighty-seven, entitled "An Act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided*, That the above exceptions shall not apply to railroads though less than one hundred miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads, or between railroads and industrial plants.

SEC. 2. That the President shall appoint a commission of three, which shall observe the operation and effects of the institution of the eight-hour standard workday as above defined and the facts and conditions affecting the relations between such common carriers and employees during a period of not less than six months nor more than nine months, in the discretion of the commission, and within thirty days thereafter such commission shall report its findings to the President and Congress; that each member of the commission created under the provisions of this Act shall receive such compensation as may be fixed by the President. That the sum of $25,000, or so much thereof as may be necessary, be, and hereby is, appropriated, out of any money in the United States Treasury not otherwise appropriated, for the necessary and proper expenses incurred in connection with the work of the commission, including salaries, per diem, traveling expenses of members and employees, and rent, furniture, office fixtures and supplies, books, salaries, and other necessary expenses, the same to be approved by the chairman of said commission and audited by the proper accounting officers of the Treasury.

SEC. 3. That pending the report of the commission herein provided for and for a period of thirty days thereafter the compensation of railway employees subject to this Act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such

employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday.

SEC. 4. That any person violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 and not more than $1,000, or imprisoned not to exceed one year, or both.]

CHAPTER 283—MAXIMUM HOURS OF WORK

Sec.
28301. General.
28302. Penalties.

§ 28301. General

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

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

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

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

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

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

(1) does not apply to—

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

(B) an electric street railroad; and

(C) an electric interurban railroad; but

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

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

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

§ 28302. Penalties

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

* * *

§ 30144. Importing motor vehicles on a temporary basis

(a) GENERAL.—Section 30112(a) of this title does not apply to a motor vehicle imported on a temporary basis for personal use by an individual who is a member of—

(1)(A) the personnel of the government of a foreign country on assignment in the United States or a member of the Secretariat of a public international organization designated under

the International [Organization] *Organizations* Immunities Act (22 U.S.C. 288 et seq.); and

* * *

§ 30168. Research, testing, development, and training

* * *

(c) FACILITIES.—The Secretary may plan, design, and build a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety. An expenditure of more than $100,000 for planning, design, or construction may be made only if the planning, design, or construction is approved by substantially similar resolutions by the Committees on [Energy and] Commerce and [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate. To obtain that approval, the Secretary shall submit to Congress a prospectus on the proposed facility. The prospectus shall include—

* * *

§ 30308. Authorization of appropriations

(a) GENERAL.—The Secretary of Transportation shall make available from amounts made available to carry out section 402 of title 23 $4,000,000 for each of the fiscal years ending September 30, 1993, and September 30, [1994] *1994,* and $2,550,000 for each of fiscal years 1995 and 1996, to carry out this chapter.

* * *

§ 31134. Commercial Motor Vehicle Safety Regulatory Review Panel

* * *

(c) COMPOSITION, APPOINTMENT, AND TERMS.—(1) The Panel shall be composed of 15 members as follows:

* * *

(B) 7 individuals appointed by the Secretary from among individuals who represent the interests of States and political subdivisions of States and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives.

(C) 7 individuals appointed by the Secretary from among individuals who represent the interests of business, consumer, labor, and safety groups and whose names have been submitted to the Secretary by the Committee on Commerce, Science, and Transportation of the Senate or the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives.

(2) The Secretary shall select the individuals to be appointed under this subsection on the basis of their knowledge, expertise, or experience related to commercial motor vehicle safety. Half of the appointments shall be made from names submitted by the Committee on Commerce, Science, and Transportation of the Senate, and the other half from names submitted by the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives. Each of these committees shall submit to the Secretary the names of 20 individuals qualified to serve on the Panel.

* * *

§ 31136. United States Government regulations

* * *

(e) WAIVERS.—

* * *

(2) COMMERCIAL MOTOR VEHICLE SAFETY PILOT PROGRAM.—

(A) IN GENERAL.—Not later than the 270th day following [the date of the enactment of this paragraph] *November 28, 1995*, the Secretary shall implement a commercial motor vehicle regulatory relief and safety pilot program (hereinafter in this paragraph referred to as the "program") to grant and to monitor exemptions from the provisions of this section and sections 504 and 31502. The program shall provide that the Secretary, within 120 days after receiving an application for participation in the program from an employer, shall determine whether to exempt some or all of the eligible vehicles operated by the applicant, and some or all of the drivers of such vehicles employed by the applicant, from some or all of the regulations prescribed under this section and sections 504 and 31502—

* * *

(J) GUIDELINES.—

(i) IN GENERAL.—Not later than the 270th day following [the date of the enactment of this paragraph] *November 28, 1995*, the Secretary, after notice and opportunity for comment, shall establish criteria and define any terms necessary for implementing the program consistent with this section. In establishing the criteria, the Secretary may consider to what extent and under what conditions safety management controls may substitute, in whole or in part, for compliance with some or all of the regulations prescribed under this section and sections 504 and 31502.

(ii) LIMITATION.—Notwithstanding clause (i), the program shall take effect on or before the 270th day following [the date of the enactment of this paragraph] *November 28, 1995*. If the rulemaking de-

scribed in clause (i) is not completed on or before such 270th day, the Secretary shall issue interim criteria, consistent with this section, pending the completion of the rulemaking described in this subsection.

* * *

(3) REVIEW OF REGULATIONS.—Based in part on the information and experience obtained from the program, the Secretary shall conduct a zero-based review of the need for, and the costs and benefits of, all regulations prescribed under this section and sections 504 and 31502 to determine whether and to what extent such regulations should apply to eligible vehicles. The review shall focus on the appropriate level of safety that is in the public interest and the paperwork and regulatory burdens of such regulations as the regulations apply to employers and employees that use such vehicles. The Secretary shall complete the review by the last day of the 3-year period beginning on [the date of the enactment of this paragraph] November 28, 1995. Upon completion of the review, the Secretary shall, after notice and an opportunity for public comment, grant such exemptions or modify or repeal existing regulations to the extent appropriate.

* * *

§ 32702. Definitions

In this chapter—

* * *

(8) "transfer" means to change ownership by sale, gift, or *any* other means.

* * *

§ 32705. Disclosure requirements on transfer of motor vehicles

[(a) WRITTEN DISCLOSURE REQUIREMENTS.—(1) Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a motor vehicle shall give the transferee a written disclosure—

(A) of the cumulative mileage registered by the odometer; or

(B) that the mileage is unknown if the transferor knows that the mileage registered by the odometer is incorrect.

(2) A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

(3) A person acquiring a motor vehicle for resale may accept a disclosure under this section only if it is complete.

(4) The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under this section.]

(a) *DISCLOSURE REQUIREMENTS.—(1) 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) MILEAGE STATEMENT REQUIREMENT FOR LICENSING.—(1) A motor vehicle the ownership of which is transferred may not be licensed for use in a State unless the transferee, in submitting an application to a State for the title on which the license will be issued, includes with the application the transferor's title and, if that title contains the space referred to in paragraph (3)(A)(iii) of this subsection, a statement, signed and dated by the transferor, of the mileage disclosure required under subsection (a) of this section. This paragraph does not apply to a transfer of ownership of a motor vehicle that has not been licensed before the transfer.

* * *

(3)(A) A motor vehicle the ownership of which is transferred may *not* be licensed for use in a State **[**only if**]** *unless* the title issued by the State to the transferee—

* * *

§ 32904. Calculation of average fuel economy

* * *

(b) SEPARATE CALCULATIONS FOR PASSENGER AUTOMOBILES MANUFACTURED DOMESTICALLY AND NOT DOMESTICALLY.—(1)(A) Except as provided in paragraphs (6) and (7) of this subsection, the Administrator shall make separate calculations under subsection (a)(1)(B) of this section for—

* * *

(6)(A) A manufacturer may file with the Secretary of Transportation a petition for an exemption from the requirement of separate calculations under paragraph (1)(A) of this subsection if the manufacturer began automobile production or assembly in the United States—

* * *

(C) Before granting an exemption, the Secretary of Transportation shall provide notice of, and reasonable opportunity for, written or oral comment about the petition. The period for comment shall end not later than 60 days after the petition is filed, except that the Secretary may extend the period for not more than an-

other 30 days. The Secretary shall decide whether to grant or deny the exemption, and publish notice of the decision in the Federal Register, not later than 90 days after the petition is filed, except that the Secretary may extend the time for decision to a later date (not later than 150 days after the petition is filed) if the Secretary publishes notice of, and reasons for, the extension in the Federal Register. If the Secretary does not make a decision within the time provided in this subparagraph, the petition is deemed to have been granted. Not later than 30 days after the end of the decision period, the Secretary shall submit a written statement of the reasons for not making a decision to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on [Energy and] Commerce of the House of Representatives.

* * *

§ 32905. Manufacturing incentives for alternative fuel automobiles

* * *

(g) STUDY AND REPORT.—Not later than September 30, 2000, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator, shall complete a study of the success of the policy of subsections (b) and (d) of this title, and submit to the Committees on Commerce, Science, and Transportation and Governmental Affairs of the Senate and the Committee on [Energy and] Commerce of the House of Representatives a report on the results of the study, including preliminary conclusions on whether the application of subsections (b) and (d) should be extended for up to 4 more model years. The study and conclusions shall consider—

* * *

SUBTITLE VII—AVIATION PROGRAMS

PART A—AIR COMMERCE AND SAFETY

CHAPTER Sec.

* * *

[PART D—MISCELLANEOUS
491. BUY-AMERICAN PREFERENCES ..... 49101]

PART D—PUBLIC AIRPORTS
491. METROPOLITAN WASHINGTON AIRPORTS 49101

PART E—MISCELLANEOUS
501. BUY-AMERICAN PREFERENCES 50101

* * *

CHAPTER 401—GENERAL PROVISIONS

Sec.

* * *

40120. Relationship to other laws.
40121. Interstate agreements for airport facilities.

* * *

§ 40109. Authority to exempt

* * *

(c) OTHER ECONOMIC REGULATION.—Except as provided in this section, the Secretary may exempt to the extent the Secretary considers necessary a person or class of persons from a provision of chapter 411, [sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, and 41731–41742,] *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),* chapter 419, subchapter II of chapter 421, and [section] *sections 44909 and* 46301(b) of this title, or a regulation or term prescribed under any of those provisions, when the Secretary decides that the exemption is consistent with the public interest.

* * *

§ 40112. Multiyear procurement contracts for property

* * *

(e) CANCELLATION PAYMENT AND NOTICE OF CANCELLATION CEILING.—(1) If a contract under this section provides that performance is subject to an appropriation being made, it also may provide for a cancellation payment to be made to the contractor if the appropriation is not made.

(2) Before awarding a contract under this section containing a cancellation ceiling of more than $100,000,000, the Administrator shall give written notice of the proposed contract and cancellation ceiling to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives. The contract may not be awarded until the end of the 30-day period beginning on the date of the notice.

* * *

§ 40116. State taxation

* * *

(d) UNREASONABLE BURDENS AND DISCRIMINATION AGAINST INTERSTATE COMMERCE.—(1) In this subsection—

* * *

(2)(A) A State, political subdivision of a State, or authority acting for a State or political subdivision may not do any of the following

acts because those acts unreasonably burden and discriminate against interstate commerce:

* * *

(iv) [Levy] *levy* or collect a tax, fee, or charge, first taking effect after [the date of the enactment of this clause] *August 23, 1994*, exclusively upon any business located at a commercial service airport or operating as a permittee of such an airport other than a tax, fee, or charge wholly utilized for airport or aeronautical purposes.

* * *

§ 40117. Passenger facility fees

* * *

(e) LIMITATIONS ON IMPOSING FEES.—(1) An eligible agency may impose a passenger facility fee only—

* * *

(2) A passenger facility fee may not be collected from a passenger—

(A) for more than 2 boardings on a one-way trip or a trip in each direction of a round trip;

(B) for the boarding to an eligible place under subchapter II of chapter 417 of this title for which essential air service compensation is paid under subchapter II; *and*

[(C) for a project the Secretary does not approve under this section before October 1, 1993, if, during the fiscal year ending September 30, 1993, the amount available for obligation under subchapter II of chapter 417 of this title is less than $38,600,000, except that this clause—

(i) does not apply if the amount available for obligation under subchapter II of chapter 417 of this title is less than $38,600,000 because of sequestration or other general appropriations reductions applied proportionately to appropriations accounts throughout an appropriation law; and

(ii) does not affect the authority of the Secretary to approve the imposition of a fee or the use of revenues, derived from a fee imposed under an approval made under this section, by a public agency that has received an approval to impose a fee under this section before September 30, 1993, regardless of whether the fee is being imposed on September 30, 1993; and]

[(D)] *(C)* enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flier award coupon without monetary payment.

* * *

§ 40118. Government-financed air transportation

* * *

(d) [TRANSPORTATION BY FOREIGN AIR CARRIERS] *CERTAIN TRANSPORTATION BY AIR OUTSIDE THE UNITED STATES.—*

* * *

[(f)(1)] *(f) PROHIBITION OF CERTIFICATION OR CONTRACT CLAUSE.—(1) No* certification by a contractor, and no contract clause, may be required in the case of a contract for the transportation of commercial items in order to implement a requirement in this section.

* * *

§ 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.

* * *

§ 41105. Transfers of certificates

* * *

(b) CERTIFICATION TO CONGRESS.—When a certificate is transferred, the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives that the transfer is consistent with the public interest. The Secretary shall include with the certification a report analyzing the effects of the transfer on—

* * *

§ 41109. Terms of certificates

(a) GENERAL.—(1) Each certificate issued under section 41102 of this title shall specify the type of transportation to be provided.

* * *

(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.

* * *

§ 41309. Cooperative agreements and requests

* * *

(b) APPROVAL.—The Secretary of Transportation shall approve an agreement, request, modification, or cancellation referred to in sub-

section (a) of this section when the Secretary finds it is not adverse to the public interest and is not in violation of this part. However, the Secretary shall disapprove—

* * *

(2) an agreement that—

* * *

(B) governs the compensation the [common] carrier may receive for the transportation.

* * *

§ 41310. Discriminatory practices

* * *

(f) REPORTS.—Not later than 30 days after acting on a complaint under this section, the Secretary of Transportation shall report to the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on action taken under this section on the complaint.

* * *

§ 41312. Ending or suspending foreign air transportation

(a) GENERAL.—An air carrier holding a certificate issued under section 41102 of this title to provide foreign air transportation—

(1) may end or suspend the transportation to a place under the certificate only when the carrier gives at least 90 days notice of its intention to end or suspend the transportation to the Secretary *of Transportation*, any community affected by that decision, and the State authority of the State in which a community is located; and

* * *

§ 41714. Availability of slots

* * *

(d) SPECIAL RULES FOR WASHINGTON NATIONAL AIRPORT.—

(1) IN GENERAL.—Notwithstanding [sections 6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986] *sections 49104(a)(5) and 49110(e) of this title*, or any provision of this section, the Secretary may, only under circumstances determined by the Secretary to be exceptional, grant by order to an air carrier currently holding or operating a slot at Washington National Airport an exemption from requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at Washington National Airport), to enable that carrier to provide air transportation with Stage 3 aircraft at Washington National Airport; except that such exemption shall not—

* * *

(e) STUDY.—

* * *

(2) REPORT.—Not later than January 31, 1995, the Secretary shall complete the current examination of slot regulations and shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives a report containing the results of such examination.

* * *

§ 41715. Air service termination notice

(a) IN GENERAL.—An air carrier may not terminate interstate air transportation from a nonhub airport included on the [Secretary's] *Secretary of Transportation's* latest published list of such airports, unless such air carrier has given the Secretary at least 45 days' notice before such termination.

* * *

§ 42104. Congressional review of regulations

* * *

(b) SUBMISSION TO CONGRESS.—The Secretary of Labor may not prescribe a regulation under this subchapter until 30 legislative days after the regulation is submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives.

* * *

§ 44501. Plans and policy

* * *

(c) NATIONAL AVIATION RESEARCH PLAN.—(1) The Administrator of the Federal Aviation Administration shall prepare and publish annually a national aviation research plan and submit the plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science[, Space, and Technology] of the House of Representatives. The plan shall be submitted not later than the date of submission of the President's budget to Congress.

* * *

§ 44502. General facilities and personnel authority

* * *

(c) ENSURING CONFORMITY WITH PLANS AND POLICIES.—(1) To ensure [that] conformity with plans and policies for, and allocation

of, airspace by the Administrator of the Federal Aviation Administration under section 40103(b)(1) of this title, a military airport, military landing area, or missile or rocket site may be acquired, established, or constructed, or a runway may be altered substantially, only if the Administrator of the Federal Aviation Administration is given reasonable prior notice so that the Administrator of the Federal Aviation Administration may advise the appropriate committees of Congress and interested departments, agencies, and instrumentalities of the Government on the effect of the acquisition, establishment, construction, or alteration on the use of airspace by aircraft. A disagreement between the Administrator of the Federal Aviation Administration and the Secretary of Defense or the Administrator of the National Aeronautics and Space Administration may be appealed to the President for a final decision.

* * *

[(e) CONSENT OF CONGRESS.—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.]

[(f)] *(e)* TRANSFERS OF INSTRUMENT LANDING SYSTEMS.—An airport may transfer, without consideration, to the Administrator of the Federal Aviation Administration an instrument landing system (and associated approach lighting equipment and runway visual range equipment) that conforms to performance specifications of the Administrator if a Government airport aid program, airport development aid program, or airport improvement project grant was used to assist in purchasing the system. The Administrator shall accept the system and operate and maintain it under criteria of the Administrator.

* * *

§ 44506. Air traffic controllers

* * *

(d) STAFFING REPORT.—The Administrator of the Federal Aviation Administration shall submit annually to the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

* * *

§ 44511. Aviation research grants

* * *

(e) ANNUAL REPORT.—The Administrator shall submit an annual report to the Committee on Science[, Space, and Technology] of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on carrying out this section.

* * *

§ 44913. Explosive detection

(a) DEPLOYMENT AND PURCHASE OF EQUIPMENT.—(1) A deployment or purchase of explosive detection equipment under section 108.7(b)(8) or 108.20 of title 14, Code of Federal Regulations, or similar regulation is required only if the Administrator of the Federal Aviation Administration certifies that the equipment alone, or as part of an integrated system, can detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Administrator shall base the certification on the results of tests conducted under protocols developed in consultation with expert scientists outside of the Administration. Those tests shall be completed not later than April 16, 1992.

(2) Before completion of the tests described in paragraph (1) of this subsection, but not later than April 16, 1992, the Administrator may require deployment of explosive detection equipment described in paragraph (1) if the Administrator decides that deployment will enhance aviation security significantly. In making that decision, the Administrator shall consider factors such as the ability of the equipment alone, or as part of an integrated system, to detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives of a deployment decision made under this paragraph.

* * *

§ 45301. Authority to impose fees

* * *

(c) RECOVERY OF COST OF FOREIGN AVIATION SERVICES.—

* * *

(5) CREDITING OF PREESTABLISHED FEES.—Fees described in paragraph (1) that were not established before [the date of the enactment of this subsection] *August 23, 1994,* may be credited in accordance with section 45302(d).

* * *

§ 46301. Civil penalties

(a) GENERAL PENALTY.—(1) A person is liable to the United States Government for a civil penalty of not more than $1,000 for violating—

(A) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 411, [any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511,

41701, 41702, 41705–41709, 41711, 41712, or 41731–41742,] *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),* chapter 419, subchapter II of chapter 421, chapter 441 (except section 44109), [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,] *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* 46302, 46303, *or* 47107(b) (including any assurance made under such section)[, or 41715] of this title;

* * *

(2) A person operating an aircraft for the transportation of passengers or property for compensation (except an airman serving as an airman) is liable to the Government for a civil penalty of not more than $10,000 for violating—

(A) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117) [or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44912–44915, or 44932–44938]*, section 44502(b) or (c), chapter 447 (except sections 44717-44723), or chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909)* of this title; or

(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies.

(3) A civil penalty of not more than $10,000 may be imposed for each violation under paragraph (1) of this subsection related to—

[(A) the transportation of hazardous material; or

(B) the registration or recordation under chapter 441 of this title of an aircraft not used to provide air transportation.]

(A) the transportation of hazardous material; or

(B) the registration or recordation under chapter 441 of this title of an aircraft not used to provide air transportation.

* * *

(c) PROCEDURAL REQUIREMENTS.—(1) The Secretary of Transportation may impose a civil penalty for the following violations only after notice and an opportunity for a hearing:

(A) a violation of subsection (b) of this section or chapter 411, [any of sections 41301–41306, 41308–41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705–41709, 41711, 41712, or 41731–41742,] *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),* chapter 419, [or] subchapter II of chapter 421*, or section 44909* of this title.

* * *

(d) ADMINISTRATIVE IMPOSITION OF PENALTIES.—(1) In this section—

* * *

(2) The Administrator of the Federal Aviation Administration may impose a civil penalty for a violation of chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), chapter 441 (except section 44109), [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,] *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* 46302, 46303, or 47107(b) (as further defined by the Secretary under section 47107(*l*) and including any assurance made under section 47107(b)) of this title or a regulation prescribed or order issued under any of those provisions. The Administrator shall give written notice of the finding of a violation and the penalty.

* * *

(f) COMPROMISE AND SETOFF.—(1)(A) The Secretary may compromise the amount of a civil penalty imposed for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), [or any of sections 44701(a) or (b), 44702–44716, 44901, 44903(b) or (c), 44905, 44906, 44907(d)(1)(B), 44912–44915, or 44932–44938] *section 44502(b) or (c), chapter 447 (except sections 44717 and 44719-44723), or chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A) and (d)(1)(C)-(f), 44908, and 44909)* of this title; or

* * *

§ 46306. Registration violations involving aircraft not providing air transportation

* * *

(c) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—(1) In this subsection, "controlled substance" has the same meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

(2) A person violating subsection (b) of this section shall be fined under title 18, imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and the transporting, aiding, or facilitating—

(A) is punishable by death or imprisonment of more than one year under a law of the United States or a State; or

(B) *that is* provided is related to an act punishable by death or imprisonment for more than one year under a law of the United States or a State related to a controlled substance (except a law related to simple possession of a controlled substance).

* * *

§ 46316. General criminal penalty when specific penalty not provided

* * *

(b) NONAPPLICATION—Subsection (a) of this section does not apply to chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 441 (except section 44109), chapter 445, [and sections 44701(a) and (b), 44702–44716, 44901, 44903(b) and (c), 44905, 44906, 44912–44915, and 44932–44938] *chapter 447 (except sections 44717–44723), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)* of this title.

* * *

§ 47107. Project grant application approval conditioned on assurances about airport operations

* * *

(k) ANNUAL SUMMARIES OF FINANCIAL REPORTS.—The Secretary shall provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives an annual summary of the reports submitted to the Secretary under subsection (a)(19) of this section and under section 111(b) of the Federal Aviation Administration Authorization Act of 1994.

(*l*) POLICIES AND PROCEDURES TO ENSURE ENFORCEMENT AGAINST ILLEGAL DIVERSION OF AIRPORT REVENUE.—

(1) IN GENERAL.—Not later than 90 days after [the date of the enactment of this subsection] *August 23, 1994*, the Secretary of Transportation shall establish policies and procedures that will assure the prompt and effective enforcement of subsections (a)(13) and (b) of this section and grant assurances made under such subsections. Such policies and procedures shall recognize the exemption provision in subsection (b)(2) of this section and shall respond to the information contained in the reports of the Inspector General of the Department of Transportation on airport revenue diversion and such other relevant information as the Secretary may by law consider.

* * *

§ 47115. Discretionary fund

* * *

(f) CONSIDERATION OF DIVERSION OF REVENUES IN AWARDING DISCRETIONARY GRANTS.—

* * *

(2) REQUIRED FINDING.—Paragraph (1) shall apply only when the Secretary finds that the amount of revenues used by the airport for purposes other than capital or operating costs in the

airport's fiscal year preceding the date of the application for discretionary funds exceeds the amount of such revenues in the airport's first fiscal year ending after [the date of the enactment of this subsection] *August 23, 1994*, adjusted by the Secretary for changes in the Consumer Price Index of All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

[(f)] *(g)* MINIMUM AMOUNT TO BE CREDITED.—(1) In a fiscal year, at least $325,000,000 of the amount made available under section 48103 of this title shall be credited to the fund. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

* * *

§ 47117. Use of apportioned amounts

* * *

(e) SPECIAL APPORTIONMENT CATEGORIES.—(1) The Secretary shall use amounts made available under section 48103 of this title for each fiscal year as follows:

* * *

(B) at least 12.5 percent for grants for airport noise compatibility planning under section 47505(a)(2) of this title and for carrying out noise compatibility programs under section 47501(c)[(1)] of this title.

* * *

(g) DISCRETIONARY USE OF APPORTIONMENTS.—(1) Subject to paragraph (2) of this subsection, if the Secretary finds, based on the notices the Secretary receives under section [47105(e)] *47105(f)* of this title or otherwise, that an amount apportioned under section 47114 of this title will not be used for grants during a fiscal year, the Secretary may use an equal amount for grants during that fiscal year for any of the purposes for which amounts are authorized for grants under section 48103 of this title.

* * *

§ 47118. Designating current and former military airports

(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall designate not more than 15 current or former military airports for which grants may be made under section 47117(e)(1)(E) of this title. The Secretary may only designate an airport for such grants (other than an airport designated for such grants [on or before the date of the enactment of this sentence] *before August 24, 1994*) if the Secretary finds that grants under such section for projects at such airport would reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.

* * *

(e) TERMINAL BUILDING FACILITIES.—[Notwithstanding section 47109(c) of this title, not] *Not* more than $5,000,000 for each airport from amounts the Secretary distributes under section 47115 of this title for a fiscal year is available to the sponsor of a current or former military airport the Secretary designates under this section to construct, improve, or repair a terminal building facility, including terminal gates used for revenue passengers getting on or off aircraft. A gate constructed, improved, or repaired under this subsection—

* * *

§ 47128. State block grant pilot program

* * *

(d) ENDING EFFECTIVE DATE [AND REPORT].—This section is effective only through September 30, 1996.

* * *

§ 47129. Resolution of airport-air carrier disputes concerning airport fees

(a) AUTHORITY TO REQUEST SECRETARY'S DETERMINATION.—

(1) IN GENERAL.—The Secretary of Transportation shall issue a determination as to whether a fee imposed upon one or more air carriers (as defined in section 40102 of this [subtitle] *title*) by the owner or operator of an airport is reasonable if—

* * *

(b) PROCEDURAL REGULATIONS.— Not later than 90 days after [the date of the enactment of this section] *August 23, 1994*, the Secretary shall publish in the Federal Register final regulations, policy statements, or guidelines establishing—

* * *

(e) APPLICABILITY.—This section does not apply to—

* * *

(2) a fee imposed pursuant to a financing agreement or covenant entered into prior to [the date of the enactment of this section] *August 23, 1994*; or

(3) any other existing fee not in dispute as of [such date of enactment] *August 23, 1994*.

(f) EFFECT ON EXISTING AGREEMENTS.—Nothing in this section shall adversely affect—

* * *

(2) the ability of an airport to meet its obligations under a financing agreement, or covenant, that is in force as of [the date of the enactment of this section] *August 23, 1994*.

* * *

§ 47509. Research program on quiet aircraft technology for propeller and rotor driven aircraft

* * *

(d) REPORT.—Not less than 280 days after [the date of the enactment of this section] *August 23, 1994*, the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall transmit to Congress a report on the results of the study required under subsection (a).

* * *

§ 48102. Research and development

* * *

(c) TRANSFERS BETWEEN CATEGORIES.—(1) Not more than 10 percent of the net amount authorized for a category of projects and activities in a fiscal year under subsection (a) of this section may be transferred to or from that category in that fiscal year.

(2) The Secretary may transfer more than 10 percent of an authorized amount to or from a category only after—

(A) submitting a written explanation of the proposed transfer to the Committees on Science[, Space, and Technology] and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

* * *

(d) AIRPORT CAPACITY RESEARCH AND DEVELOPMENT.—(1) Of the amounts made available under subsection (a) of this section, at least $25,000,000 may be appropriated each fiscal year for research and development under section 44505(a) and (c) of this title on preserving and enhancing airport capacity, including research and development on improvements to airport design standards, maintenance, safety, operations, and environmental concerns.

(2) The Administrator shall submit to the Committees on Science[, Space, and Technology] and [Public Works and Transportation] *Transportation and Infrastructure* of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on expenditures made under paragraph (1) of this subsection for each fiscal year. The report shall be submitted not later than 60 days after the end of the fiscal year.

* * *

§ 48104. Certain direct costs and joint air navigation services

* * *

(b) LIMITATION FOR FISCAL [YEARS] *YEAR* 1993.—The amount that may be appropriated out of the Fund for fiscal year 1993 may not be more than an amount equal to—

* * *

§ 48109. Submission of budget information and legislative recommendations and comments

When the Administrator of the Federal Aviation Administration submits to the Secretary of Transportation, the President, or the Director of the Office of Management and Budget any budget information, legislative recommendation, or comment on legislation about amounts authorized in section 48101 or 48102 of this title, the Administrator concurrently shall submit a copy of the information, recommendation, or comment to the Speaker of the House of Representatives, the Committees on [Public Works and Transportation] *Transportation and Infrastructure* and Appropriations of the House, the President of the Senate, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

§ 48110. Facilities for advanced training of maintenance technicians for air carrier aircraft

For the fiscal years ending September 30, 1993–1995, amounts necessary to carry out section 44515 of this title may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502). The amounts remain available until expended.

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

[TITLE VI—METROPOLITAN WASHINGTON AIRPORTS

SEC. 6001. SHORT TITLE.

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

SEC. 6002. FINDINGS.

The Congress finds that—

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

(2) Baltimore/Washington International Airport, owned and operated by the State of Maryland, is an air transportation fa-

cility that provides service to the greater Metropolitan Washington region together with the two federally owned airports, and timely Federal-aid grants to Baltimore/Washington International Airport will provide additional capacity to meet the growing air traffic needs and to compete with other airports on a fair basis;

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

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

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

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

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

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

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

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

SEC. 6003. PURPOSE.

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

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

SEC. 6004. DEFINITIONS.

In this title—

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

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

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

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

(5) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(6) WASHINGTON DULLES INTERNATIONAL AIRPORT.—The term "Washington Dulles International Airport" means the airport constructed under the Act entitled "An Act to authorize the construction, protection, operation, and maintenance of a public airport on or in the vicinity of the District of Columbia", approved September 7, 1950 (64 Stat. 770), and includes the Dulles Airport Access Highway and Right-of-way, including the extension between the Interstate Routes I–495 and I–66.

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

SEC. 6005. LEASE OF METROPOLITAN WASHINGTON AIRPORTS.

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

(b) PAYMENTS.—

(1) LEASE PAYMENTS.—The lease shall provide for the Airports Authority to pay to the general fund of the Treasury annually an amount, computed using the GNP Price Deflator, to

equal $3,000,000 in 1987 dollars. The Secretary and the Airports Authority may renegotiate the level of lease payments attributable to inflation costs every ten years.

(2) RETIREMENT OBLIGATIONS.—

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

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

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

(1) OPERATION OF AIRPORTS AS A UNIT.—The Airports Authority shall operate, maintain, protect, promote, and develop the Metropolitan Washington Airports as a unit and as primary airports serving the Metropolitan Washington area.

(2) AIRPORT PURPOSES.—The real property constituting the Metropolitan Washington Airports shall, during the period of the lease, be used only for airport purposes. For the purposes of this paragraph, the term "airport purposes" means a use of property interests (other than a sale) for aviation business or activities, or for activities necessary or appropriate to serve passengers or cargo in air commerce, or for nonprofit, public use facilities. If the Secretary determines that any portion of the real property leased to the Airports Authority pursuant to this Act is used for other than airport purposes, the Secretary shall (A) direct that appropriate measures be taken by the Airports Authority to bring the use of such portion of real property in conformity with airport purposes, and (B) retake possession of such portion of real property if the Airports Authority fails to bring the use of such portion into a conforming use within a reasonable period of time, as determined by the Secretary.

(3) AIP REQUIREMENTS.—The Airports Authority shall be subject to the requirements of section 511(a) of the Airport and

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

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

(5) CONTINUATION OF REGULATIONS.—

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

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

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

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

(C) OPERATIONS.—The Airports Authority may not increase or decrease the number of instrument flight rule takeoffs and landings authorized by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on the date of the enactment of this Act, and may not impose a limitation after the date the lease takes effect on the number of passengers taking off or landing at Washington National Airport.

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

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

ity for the Federal Aviation Administration's Master Plans for the Metropolitan Washington Airports.

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

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

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

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

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

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

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

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

(10) GENERAL AVIATION FEES.—The Airports Authority shall compute the fees and charges for landing general aviation aircraft at the Metropolitan Washington Airports on the same

basis as the landing fees for air carrier aircraft, except that the Airports Authority may require a minimum landing fee not in excess of the landing fee for aircraft weighing 12,500 pounds.

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

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

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

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

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

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

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

(b) SECRETARY'S ASSISTANCE.—The Secretary shall assist the three airports serving the Washington, D.C. metropolitan area in planning for operational and capital improvements at those airports and shall accelerate consideration of applications for Federal financial assistance by whichever of the three airports is most in need of increasing airside capacity.

SEC. 6007. AIRPORTS AUTHORITY.

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

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

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

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

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

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

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

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

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

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

(4) to levy fees or other charges; and

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

(d) CONFLICT-OF-INTEREST PROVISIONS.—The Airports Authority shall be subject to a conflict-of-interest provision providing that members of the board and their immediate families may not be employed by or otherwise hold a substantial financial interest in any enterprise that has or is seeking a contract or agreement with the Airports Authority or is an aeronautical, aviation services, or airport services enterprise that otherwise has interests that can be directly affected by the Airports Authority. Exceptions to requirements of the preceding sentence may be made by the official appointing a member at the time the member is appointed, if the financial interest is fully disclosed and so long as the member does not participate in board decisions that directly affect such interest. The Airports Authority shall include in its code developed under section 6005(c)(8) of this title the standards by which members will determine what constitutes a substantial financial interest and the circumstances under which an exception may be granted.

(e) BOARD OF DIRECTORS.—

(1) APPOINTMENT.—The Airports Authority shall be governed by a board of directors of 11 members, as follows:

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

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

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

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

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

(2) RESTRICTIONS.—Members shall (A) not hold elective or appointive political office, (B) serve without compensation other than for reasonable expenses incident to board functions, and (C) reside within the Washington Standard Metropolitan Statistical Area, except that the member appointed by the President shall not be required to reside in that area.

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

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

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

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

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

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

(f) BOARD OF REVIEW.—

(1) COMPOSITION.—The board of directors shall be subject to review of its actions and to requests, in accordance with this subsection, by a Board of Review of the Airports Authority. The Board of Review shall be established by the board of directors to represent the interests of users of the Metropolitan Washington Airports and shall be composed of 9 members appointed by the board of directors as follows:

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

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

(C) 1 individual chosen alternately from a list provided by the Speaker of the House of Representatives and from a list provided by the President pro tempore of the Senate.

In addition to the recommendations on a list provided under this paragraph, the board of directors may request additional recommendations.

(2) TERMS, VACANCIES, AND QUALIFICATIONS.—

(A) TERMS.—Members of the Board of Review appointed under paragraphs (1)(A) and (1)(B) shall be appointed for terms of 6 years. Members of the Board of Review appointed under paragraph (1)(C) shall be appointed for terms of 2 years. A member may serve after the expiration of that member's term until a successor has taken office.

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

(C) QUALIFICATIONS.—Members of the Board of Review shall be individuals who have experience in aviation matters and in addressing the needs of airport users and who

themselves are frequent users of the Metropolitan Washington Airports. A member of the Board of Review shall be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

(D) EFFECT OF MORE THAN 4 VACANCIES.—At any time that the Board of Review established under this subsection has more than 4 vacancies and lists have been provided for appointments to fill such vacancies, the Airports Authority shall have no authority to perform any of the actions that are required by paragraph (4) to be submitted to the Board of Review.

(3) PROCEDURES.—The Board of Review shall establish procedures for conducting its business. The procedures may include requirements for a quorum at meetings and for proxy voting and for the selection of a Chairman. The Board shall meet at least once each year and shall meet at the call of the chairman or 3 members of the Board. Any decision of the Board of Review under paragraph (4) or (5) shall be by a vote of 5 members of the Board.

(4) REVIEW PROCEDURE.—

(A) SUBMISSION REQUIRED.—An action of the Airports Authority described in subparagraph (B) shall be submitted to the Board of Review at least 30 days (or at least 60 days in the case of the annual budget) before it is to become effective.

(B) ACTIONS AFFECTED.—The following are the actions referred to in subparagraph (A):

(i) the adoption of an annual budget and any amendments thereto;

(ii) the authorization for the issuance of bonds and an annual plan for issuance of bonds and any amendments to such plan;

(iii) the adoption, amendment, or repeal of a regulation;

(iv) the adoption or revision of a master plan;

(v) the appointment of the chief executive officer;

(vi) the award of a contract (other than a contract in connection with the issuance or sale of bonds which is executed within 30 days of the date of issuance of the bonds) which has been approved by the board of directors of the Airports Authority;

(vii) any action of the board of directors approving a terminal design or airport layout or modification of such design or layout; and

(viii) the authorization for the acquisition or disposal of land and the grant of a long-term easement.

(C) RECOMMENDATIONS.—The Board of Review may make to the board of directors recommendations regarding an action within either (i) 30 calendar days of its submission under this paragraph; or (ii) 10 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) of its submission

under this paragraph; whichever period is longer. Such 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 subparagraph or if at any time in such review period the Board of Review decides that it will not make a recommendation on an action, the action may take effect.

(D) EFFECT OF RECOMMENDATION.—

(i) RESPONSE.—An action with respect to which the Board of Review has made a recommendation in accordance with subparagraph (C) may only take effect if the board of directors adopts such recommendation or if the board of directors has evaluated and responded, in writing, to the Board of Review with respect to such recommendation and transmits such action, evaluation, and response to Congress in accordance with clause (ii) and the 60-calendar day period described in clause (ii) expires.

(ii) NONADOPTION OF RECOMMENDATION.—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 such recommendation, and 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 makes such transmission to the Speaker of the House of Representatives and the President of the Senate.

(E) LIMITATION ON EXPENDITURES.—Unless an annual budget for a fiscal year has taken effect in accordance with this paragraph, the Airports Authority may not obligate or expend any money in such fiscal year, except for (i) debt service on previously authorized obligations, and (ii) obligations and expenditures for previously authorized capital expenditures and routine operating expenses.

(5) CONGRESSIONAL DISAPPROVAL PROCEDURE.—

(A) IN GENERAL.—This paragraph is enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions 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 paragraph; and they supersede other rules only to the extent that they are inconsistent therewith; and

(ii) with full recognition of the constitutional right of either House to change the rule (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(B) RESOLUTION DEFINED.—For the purpose of this paragraph, the term "resolution" means only a joint resolution, relating to an action of the board of directors transmitted to Congress in accordance with paragraph (4)(D)(ii), 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: .", the blank space therein being appropriately filled. Such term does not include a resolution which specifies more than one action.

(C) REFERRAL.—A resolution with respect to a board of director's action shall be referred to the Committee on Public Works and Transportation of the House of Representatives, or the Committee on Commerce, Science and Technology of the Senate, by the Speaker of the House of Representatives or the President of the Senate, as the case may be.

(D) MOTION TO DISCHARGE.—If the committee to which a resolution has been referred has not reported it at the end of 20 calendar days after its introduction, it is in order to move to discharge the committee from further consideration of that joint resolution or any other resolution with respect to the board of directors action which has been referred to the committee.

(E) RULES WITH RESPECT TO MOTION.—A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to. Motions to postpone shall be decided without debate.

(F) EFFECT OF MOTION.—If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(G) SENATE PROCEDURE.—

(i) MOTION TO PROCEED.—When the committee of the Senate has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amend-

ment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(ii) LIMITATION ON DEBATE.—Debate in the Senate on the resolution shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(iii) NO DEBATE ON CERTAIN MOTIONS.—In the Senate, motions to postpone made with respect to the consideration of a resolution and motions to proceed to the consideration of other business shall be decided without debate.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be decided without debate.

(H) EFFECT OF ADOPTION OF RESOLUTION BY OTHER HOUSE.—If, before the passage by 1 House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(i) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it, except in the case of final passage as provided in clause (ii)(I).

(ii) With respect to a joint resolution described in clause (i) of the House receiving the joint resolution—

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

(II) the vote on final passage shall be on the joint resolution of the other House.

Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.

(6) 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. Upon receipt of such a request the Airports Authority shall consider and vote, or report, on the matter as promptly as feasible.

(7) PARTICIPATION IN MEETINGS OF AIRPORTS AUTHORITY.—Members of the Board of Review may participate as nonvoting members in meetings of the board of the Airports Authority.

(8) STAFF.—The Board of Review may hire two staff persons to be paid by the Airports Authority. The Airports Authority shall provide such clerical and support staff as the Board may require.

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

(10) CONFLICTS OF INTEREST.—In every contract or agreement to be made or entered into, or accepted by or on behalf of the Airports Authority, there shall be inserted an express condition that no member of a Board of Review shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

(11) REMOVAL.—A member of the Board of Review shall be subject to removal only for cause by a two-thirds vote of the board of directors.

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

(h) LIMITATION ON AUTHORITY.—If the Board of Review established under subsection (f) is unable to carry out its functions under this title by reason of a judicial order, the Airports Authority thereafter shall have no authority to perform any of the actions that are required by paragraph (f)(4) to be submitted to the Board of Review.

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

SEC. 6008. EMPLOYEES AT METROPOLITAN WASHINGTON AIRPORTS.

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

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

(2) for the transfer and retention of all employees who agree to transfer to the Airports Authority in their same positions for the 5-year period commencing on the date the lease under section 6005 takes effect except in cases of reassignment, separation for cause, resignation, or retirement;

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

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

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

(b) LABOR AGREEMENTS.—

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

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

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

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

(e) CIVIL SERVICE RETIREMENT.—Any Federal employee who transfers to the Airports Authority and who on the day before the date the lease under section 6005 takes effect is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title shall, so long as continually employed by the Airports Authority without a break in service, continue to be subject to such subchapter or chapter, as the case may be. Employment by

the Airports Authority without a break in continuity of service shall be considered to be employment by the United States Government for purposes of such subchapter and chapter. The Airports Authority shall be the employing agency for purposes of such subchapter and chapter and shall contribute to the Civil Service Retirement and Disability Fund such sums as are required by such subchapter and chapter.

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

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

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

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

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

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

(b) INAPPLICABILITY OF CERTAIN LAWS.—The Metropolitan Washington Airports and the Airports Authority shall not be subject to the requirements of any law solely by reason of the retention by the United States of the fee simple title to such airports or by reason of the authority of the Board of Review under subsection 6007(f).

(c) POLICE POWER.—The Commonwealth of Virginia shall have concurrent police power authority over the Metropolitan Washing-

ton Airports, and the courts of the Commonwealth of Virginia may exercise jurisdiction over Washington National Airport.

(d) PLANNING.—

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

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

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

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

(e) OPERATION LIMITATIONS.—

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

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

SEC. 6010. AUTHORITY TO NEGOTIATE EXTENSION OF LEASE.

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

SEC. 6011. SEPARABILITY.

Except as provided in section 6007(h), if any provision of this title or the application thereof to any person or circumstance, is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 6012. NONSTOP FLIGHTS.

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

PART D—PUBLIC AIRPORTS

CHAPTER 491—METROPOLITAN WASHINGTON AIRPORTS

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§ 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 Columbia 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.

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

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

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

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

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

(6)(A) Except as specified in subparagraph (B) of this paragraph, the Airports Authority shall assume all rights, liabilities, and obligations of the Metropolitan Washington Airports on June 7, 1987, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, and litigation related to those rights and obligations, regardless whether judgment has been entered, damages awarded, or appeal taken. The Airports Authority must cooperate in

allowing representatives of the Attorney General and the Secretary adequate access to employees and records when needed for the performance of duties and powers related to the period before June 7, 1987. The Airports Authority shall assume responsibility for the Federal Aviation Administration's Master Plans for the Metropolitan Washington Airports.

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

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

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

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

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

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

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

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

(10) The Airports Authority shall compute the fees and charges for landing general aviation aircraft at the Metropolitan Washington Airports on the same basis as the landing fees for air carrier aircraft, except that the Airports Authority may

require a minimum landing fee that is not more than the landing fee for aircraft weighing 12,500 pounds.

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

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

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

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

§ 49105. Capital improvements, construction, and rehabilitation

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

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

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

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

§ 49106. Metropolitan Washington Airports Authority

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

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

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

(B) that at least meet the specifications of this section and section 49107 of this title;

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

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

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

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

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

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

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

(E) to levy fees or other charges; and

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

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

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

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

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

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

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

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

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

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

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

(4) A member of the board—

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

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

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

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

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

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

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

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

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

§ 49107. Board of Review

(a) COMPOSITION.—(1) The board of directors of the Metropolitan Washington Airports Authority shall be subject to review of its actions and to requests, in accordance with this section, by a Board of Review of the Airports Authority. The Board of Review shall be established by the board of directors to represent the interests of users of the Metropolitan Washington Airports and shall be composed of 9 members appointed by the board of directors as follows:

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

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

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

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

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

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

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

(c) VACANCIES.—(1) A vacancy on the Board of Review shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

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

(d) CONFLICTS OF INTEREST.—Every contract or agreement made or entered into, or accepted by or on behalf of the Airports Authority, shall contain an express condition that no member of a Board of Review shall be admitted to any share or part of, or to any benefit to arise from, the contract or agreement.

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

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

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

(3) Members of the Board of Review may participate as nonvoting members in meetings of the board of directors of the Airports Authority.

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

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

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

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

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

(E) the appointment of the chief executive officer.

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

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

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

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

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

(ii) 10 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) 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 inconsistent with the other rules; and

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

(3) A resolution with respect to a board of director's action shall be referred to the Committee on Transportation and Infrastructure of the House of Representatives, or the Committee on Commerce, Science, and Transportation of the Senate, by the Speaker of 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 resolution 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). Debate 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 motion 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 another 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 resolution, 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 motion is not in order. A mo-

tion to reconsider the vote by which the motion is agreed to or disagreed to is not in order.

(B) Debate in the Senate on the resolution is limited to not more than 10 hours, to be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

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

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

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

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

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

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

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

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

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

(C) On disposition of the joint resolution received from the other House, consideration of the joint resolution that originated in the receiving House is not in order.

§ 49108. Federal employees at Metropolitan Washington Airports

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

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

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

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

§ 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.

* * *

PART [D]*E*—MISCELLANEOUS

CHAPTER [491]*501*—BUY-AMERICAN PREFERENCES

Sec.
[49101]*50101*. Buying goods produced in the United States.
[49102]*50102*. Restricting contract awards because of discrimination against United States goods or services.
[49103]*50103*. Contract preference for domestic firms.
[49104]*50104*. Restriction on airport projects using products or services of foreign countries denying fair market opportunities.
[49105]*50105*. Fraudulent use of "Made in America" label.

§ [49101]*50101*. Buying goods produced in the United States

(a) PREFERENCE.—The Secretary of Transportation may obligate an amount that may be appropriated to carry out section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except [sections 47106(d) and] *section* 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title for a project only if steel and manufactured goods used in the project are produced in the United States.

(b) WAIVER.—The Secretary may waive subsection (a) of this section if the Secretary finds that—

* * *

(3) when procuring a facility or equipment under section 44502(a)(2) or 44509, subchapter I of chapter 471 (except [sections 47106(d) and] *section* 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title—

* * *

§ [49102]*50102*. Restricting contract awards because of discrimination against United States goods or services

A person or enterprise domiciled or operating under the laws of a foreign country may not make a contract or subcontract under section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except [sections 47106(d) and] *section* 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title or

subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508, 104 Stat. 1388–353) if the government of that country unfairly maintains, in government procurement, a significant and persistent pattern of discrimination against United States goods or services that results in identifiable harm to United States businesses, that the President identifies under section 305(g)(1)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)(1)(A)).

§ [49103]*50103*. Contract preference for domestic firms

* * *

§ [49104]*50104*. Restriction on airport projects using products or services of foreign countries denying fair market opportunities

* * *

(b) LIMITATION ON USE OF AVAILABLE AMOUNTS.—(1) An amount made available under subchapter I of chapter 471 of this title (except [sections 47106(d) and] *section* 47127) may not be used for a project that uses a product or service of a foreign country during any period the country is on the list maintained by the United States Trade Representative under subsection (d)(1) of this section.

* * *

§ [49105]*50105*. Fraudulent use of "Made in America" label

If the Secretary of Transportation decides that a person intentionally affixed a "Made in America" label to goods sold in or shipped to the United States that are not made in the United States, the Secretary shall declare the person ineligible, for not less than 3 nor more than 5 years, to receive a contract or grant from the United States Government related to a contract made under section 106(k), 44502(a)(2), or 44509, subchapter I of chapter 471 (except [sections 47106(d) and] *section* 47127), or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title or subtitle B of title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508, 104 Stat. 1388–353). The Secretary may bring a civil action to enforce this section in any district court of the United States.

* * *

§ 60101. Definitions

(a) *GENERAL.*—In this chapter—

* * *

§ 60114. One-call notification systems

(a) MINIMUM REQUIREMENTS.—The Secretary of Transportation shall prescribe regulations providing minimum requirements for establishing and operating a one-call notification system for a State to adopt that will notify an operator of a pipeline facility of activity

in the vicinity of the facility that could threaten the safety of the facility. The regulations shall include the following:

* * *

(9) a requirement for sanctions substantially the same as provided under sections [60120, 60122, and 60123] *60120 and 60122* of this title.

* * *

§ 70102. Definitions

In this chapter—

* * *

(6) "launch site" means the location on Earth from which a launch takes place (as defined in a license the Secretary issues or transfers under this chapter) and necessary facilities *at that location*.

* * *

§ 70112. Liability insurance and financial responsibility requirements

(a) GENERAL REQUIREMENTS.—(1) When a license is issued or transferred under this chapter, the licensee or transferee shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

* * *

(3) For the total claims related to one launch, a licensee or transferee is not required to obtain insurance or demonstrate financial responsibility of more than—

* * *

(B) the maximum liability insurance available on the world market at reasonable cost if the amount is less than the applicable amount in clause (A)*(i) or (ii)* of this paragraph.

* * *

(d) ANNUAL REPORT.—(1) Not later than November 15 of each year, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science[, Space, and Technology] of the House of Representatives a report on current determinations made under subsection (c) of this section related to all issued licenses and the reasons for the determinations.

* * *

§ 70113. Paying claims exceeding liability insurance and financial responsibility requirements

* * *

(e) CONGRESSIONAL RESOLUTIONS.—(1) In this subsection, "resolution"—

* * *

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

* * *

(D) an appeal from a decision of the chair related to the application of the rules of the Senate to the procedures related to *a* resolution.

* * *

§ 70117. Relationship to other executive agencies, laws, and international obligations

* * *

(b) FEDERAL COMMUNICATIONS COMMISSION AND SECRETARY OF COMMERCE.—This chapter does not affect the authority of—

* * *

(2) the Secretary of Commerce under the **[**Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.)**]** *Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.)*.

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