

**CHAPTER 482—ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FACILITIES**

Sec.  
48201. Advance appropriations.

**§ 48201. Advance appropriations**

(a) **MULTIYEAR AUTHORIZATIONS.**—Beginning with fiscal year 1999, any authorization of appropriations for an activity for which amounts are to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 shall provide funds for a period of not less than 3 fiscal years unless the activity for which appropriations are authorized is to be concluded before the end of that period.

(b) **MULTIYEAR APPROPRIATIONS.**—Beginning with fiscal year 1999, amounts appropriated from the Airport and Airway Trust Fund shall be appropriated for periods of 3 fiscal years rather than annually.

(Added Pub. L. 104-264, title II, § 277(a), Oct. 9, 1996, 110 Stat. 3248.)

REFERENCES IN TEXT

Section 9502 of the Internal Revenue Code of 1986, referred to in subsec. (a), is classified to section 9502 of Title 26, Internal Revenue Code.

EFFECTIVE DATE

Section effective on date that is 30 days after Oct. 9, 1996, see section 203 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

**CHAPTER 483—AVIATION SECURITY FUNDING**

Sec.  
48301. Aviation security funding.

**§ 48301. Aviation security funding**

(a) **IN GENERAL.**—There are authorized to be appropriated for fiscal years 2002, 2003, 2004, 2005, and 2006 such sums as may be necessary to carry out chapter 449 and related aviation security activities under this title. Any amounts appropriated pursuant to this section for fiscal year 2002 shall remain available until expended.

(b) **GRANTS FOR AIRCRAFT SECURITY.**—There is authorized to be appropriated \$500,000,000 for fiscal year 2002 to the Secretary of Transportation to make grants to or other agreements with air carriers (including intrastate air carriers) to—

(1) fortify cockpit doors to deny access from the cabin to the pilots in the cockpit;

(2) provide for the use of video monitors or other devices to alert the cockpit crew to activity in the passenger cabin;

(3) ensure continuous operation of the aircraft transponder in the event the crew faces an emergency; and

(4) provide for the use of other innovative technologies to enhance aircraft security.

(Added Pub. L. 107-71, title I, § 118(c)(1), Nov. 19, 2001, 115 Stat. 627; amended Pub. L. 108-458, title IV, § 4029, Dec. 17, 2004, 118 Stat. 3727.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458 substituted “2005, and 2006” for “and 2005”.

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

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

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

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

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

management of major airports elsewhere in the United States;

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

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

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

(Added Pub. L. 105-102, §2(26), Nov. 20, 1997, 111 Stat. 2206.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                                                                                                          |
|------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 49101 .....            | (uncodified).             | Oct. 18, 1986, Pub. L. 99-500, title VI, §6002, 100 Stat. 1783-373.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §6003, 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.

#### REFERENCES IN TEXT

The Airline Deregulation Act of 1978, referred to in par. (4), is Pub. L. 95-504, Oct. 24, 1978, 92 Stat. 1705, as amended, which was classified principally to sections of former Title 49, Transportation. The Act was substantially repealed by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. For disposition of sections of former Title 49, see Table at the beginning of Title 49.

#### PRIOR PROVISIONS

A prior section 49101 was renumbered section 50101 of this title.

### **§ 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.

(Added Pub. L. 105-102, §2(26), Nov. 20, 1997, 111 Stat. 2207.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                                                                                                                |
|------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| 49102(a) .....         | (uncodified).             | Oct. 18, 1986, Pub. L. 99-500, title VI, §6003(a), 100 Stat. 1783-374.<br>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.<br>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 included in "terms".

#### PRIOR PROVISIONS

A prior section 49102 was renumbered section 50102 of this title.

### **§ 49103. Definitions**

#### In this chapter—

(1) "Airports Authority" means the Metropolitan Washington Airports Authority, a public authority created by Virginia and the District of Columbia consistent with the requirements of section 49106 of this title.

(2) "employee" means any permanent Federal Aviation Administration personnel employed by the Metropolitan Washington Airports on June 7, 1987.

(3) "Metropolitan Washington Airports" means Ronald Reagan 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) "Ronald Reagan Washington National Airport" means the airport described in the Act of June 29, 1940 (ch. 444, 54 Stat. 686).

(Added Pub. L. 105-102, §2(26), Nov. 20, 1997, 111 Stat. 2207; amended Pub. L. 105-154, §2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                                                                                                          |
|------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 49103 .....            | (uncodified).             | Oct. 18, 1986, Pub. L. 99-500, title VI, §6004, 100 Stat. 1783-374.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §6004, 100 Stat. 3341-378. |

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.

#### REFERENCES IN TEXT

Act of September 7, 1950, ch. 905, 64 Stat. 770, referred to in par. (4), was classified to subchapter II (§2421 et seq.) of chapter 33 of former Title 49, Transportation,

and was omitted from the Code when subtitles II, III, and V to X of Title 49, Transportation, were enacted by Pub. L. 103-272, July 5, 1994, 108 Stat. 745.

Act of June 29, 1940, ch. 444, 54 Stat. 686, referred to in par. (5), was classified to subchapter I (§2401 et seq.) of chapter 33 of former Title 49, Transportation, and was omitted from the Code when subtitles II, III, and V to X of Title 49, Transportation, were enacted by Pub. L. 103-272, July 5, 1994, 108 Stat. 745.

#### PRIOR PROVISIONS

A prior section 49103 was renumbered section 50103 of this title.

#### AMENDMENTS

1998—Pars. (3), (5). Pub. L. 105-154 substituted “Ronald Reagan Washington National Airport” for “Washington National Airport”.

#### CHANGE OF NAME

Pub. L. 105-154, §1, Feb. 6, 1998, 112 Stat. 3, provided that: “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) [section 2401 et seq. of former Title 49, Transportation, see References in Text note above], and known as the Washington National Airport, shall be known and designated as the ‘Ronald Reagan Washington National Airport’.”

Pub. L. 105-154, §2(b), Feb. 6, 1998, 112 Stat. 4, provided that: “Any reference in a law, map, regulation, document, paper, or other record of the United States to the Washington National Airport shall be deemed to be a reference to the ‘Ronald Reagan Washington National Airport’.”

### § 49104. Lease of Metropolitan Washington Airports

(a) GENERAL.—The lease between the Secretary of Transportation and the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Act of 1986 (Public Law 99-500; 100 Stat. 1783-375; Public Law 99-591; 100 Stat. 3341-378), for the Metropolitan Washington Airports must provide during its 50-year term at least the following:

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

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

- (i) aviation business or activities;
- (ii) activities necessary or appropriate to serve passengers or cargo in air commerce; or
- (iii) nonprofit, public use facilities that are not inconsistent with the needs of aviation.

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

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

- (i) direct that the Airports Authority take appropriate measures to have that part of the property be used for airport purposes; and

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

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

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

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

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

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

(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41718.

(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 be-

half 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 Ronald Reagan Washington National Airport; and

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

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

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

(b) PAYMENTS.—Under the lease, the Airports Authority must pay to the general fund of the Treasury annually an amount, computed using

the GNP Price Deflator, equal to \$3,000,000 in 1987 dollars. The Secretary and the Airports Authority may renegotiate the level of lease payments attributable to inflation costs every 10 years.

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

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

(Added Pub. L. 105-102, § 2(26), Nov. 20, 1997, 111 Stat. 2207; amended Pub. L. 105-154, § 2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3; Pub. L. 106-181, title II, § 231(e)(2), Apr. 5, 2000, 114 Stat. 113.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 49104(a) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, §§ 6005(a), (d), 6007(d) (last sentence), 100 Stat. 1783-375, 1783-376, 1783-380.<br>Oct. 18, 1986, Pub. L. 99-500, title VI, § 6005(c), 100 Stat. 1783-376; Oct. 9, 1996, Pub. L. 104-264, title IX, § 902, 110 Stat. 3274.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §§ 6005(a), (d), 6007(d) (last sentence), 100 Stat. 3341-378, 3341-379, 3341-383.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, § 6005(c), 100 Stat. 3341-379; Oct. 9, 1996, Pub. L. 104-264, title IX, § 902, 110 Stat. 3274. |
| 49104(b) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, § 6005(b), 100 Stat. 1783-375.<br>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.<br>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.<br>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.

#### REFERENCES IN TEXT

Section 6005(a) of the Metropolitan Washington Airports Act of 1986, referred to in subsec. (a), is section 6005(a) of Pub. L. 99-500, title VI, Oct. 18, 1986, 100 Stat. 1783-375, and Pub. L. 99-591, title VI, Oct. 30, 1986, 100 Stat. 3341-378, which was classified to section 2454(a) of former Title 49, Transportation, and was repealed and reenacted as subsec. (a) of this section by Pub. L. 105-102, §§2(26), 5(b), Nov. 20, 1997, 111 Stat. 2205, 2217.

The Airport and Airway Improvement Act of 1982, referred to in subsec. (a)(3), is title V of Pub. L. 97-248, Sept. 3, 1982, 96 Stat. 671, as amended, which was classified principally to chapter 31 (§2201 et seq.) of former Title 49, Transportation, and was substantially repealed by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as subchapter I of chapter 471 of Title 49, Transportation.

#### PRIOR PROVISIONS

A prior section 49104 was renumbered section 50104 of this title.

#### AMENDMENTS

2000—Subsec. (a)(5)(D). Pub. L. 106-181 added subparagraph (D).

1998—Subsec. (a)(5)(C), (9)(A), (B). Pub. L. 105-154 substituted “Ronald Reagan Washington National Airport” for “Washington National Airport” wherever appearing.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

### § 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 Ronald Reagan 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 Ronald Reagan Washington National Airport within 5 years after March 30, 1988.

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

(Added Pub. L. 105-102, §2(26), Nov. 20, 1997, 111 Stat. 2210; amended Pub. L. 105-154, §2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3.)

#### HISTORICAL AND REVISION NOTES

| 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.                                                                                                                                                     |
| 49105(b) .....  | (uncodified).      | Oct. 30, 1986, Pub. L. 99-591, title VI, §6006(a), 100 Stat. 3341-381.<br>Oct. 18, 1986, Pub. L. 99-500, title VI, §6006(b), 100 Stat. 1783-379.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §6006(b), 100 Stat. 3341-382. |

#### PRIOR PROVISIONS

A prior section 49105 was renumbered section 50105 of this title.

#### AMENDMENTS

1998—Subsec. (a)(1), (2). Pub. L. 105-154 substituted “Ronald Reagan Washington National Airport” for “Washington National Airport”.

### § 49106. Metropolitan Washington Airports Authority

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

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

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

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

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

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

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

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

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

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

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

(E) to levy fees or other charges; and

(F) to make and maintain agreements with employee organizations to the extent that the Federal Aviation Administration was authorized to do so on October 18, 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 13 members:

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

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

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

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

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

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

(4) A member of the board—

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

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

(C) must reside within the Washington Standard Metropolitan Statistical Area, except that a member of the board appointed by the President must be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

(5) A vacancy in the board shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

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

(B) In carrying out their duties on the board, members appointed by the President shall ensure that adequate consideration is given to the national interest.

(C) A member appointed by the President may be removed by the President for cause.

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

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

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

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

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

(Added Pub. L. 105-102, § 2(26), Nov. 20, 1997, 111 Stat. 2210; amended Pub. L. 105-225, § 7(c)(1)(A), (B), Aug. 12, 1998, 112 Stat. 1511; Pub. L. 106-181, title II, § 231(i), Apr. 5, 2000, 114 Stat. 115.)

#### HISTORICAL AND REVISION NOTES

| 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.<br>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.<br>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. 9, 1996, Pub. L. 104-264, title IX, § 903, 110 Stat. 3275.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(e), 100 Stat. 3341-383; Oct. 9, 1996, Pub. L. 104-264, title IX, § 903, 110 Stat. 3275.                                                                                                                                                   |
| 49106(d) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(d) (1st, 2d sentences), 100 Stat. 1783-379.<br>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(f), 100 Stat. 1783-382; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(a), 110 Stat. 3276.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(f), 100 Stat. 3341-385; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(a), 110 Stat. 3276.                                                                                                                                             |
| 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(e), 105 Stat. 2200; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(b), 110 Stat. 3276.<br>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(e), 105 Stat. 2200; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(b), 110 Stat. 3276. |

## HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 49106(g) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, § 6007(g), as added Dec. 18, 1991, Pub. L. 102-240, title VII, § 7002(h), 105 Stat. 2202; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(a), 110 Stat. 3276.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, § 6007(g), as added Dec. 18, 1991, Pub. L. 102-240, title VII, § 7002(h), 105 Stat. 2202; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(a), 110 Stat. 3276. |

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

In subsection (c)(6)(C), the words “the limitations described in” are omitted as unnecessary. The word “until” is substituted for “for the period beginning on October 1, 1997, and ending on the first day on which” to eliminate unnecessary words.

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 (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.

## AMENDMENTS

2000—Subsec. (c)(6)(C), (D). Pub. L. 106-181 redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: “The members to be appointed under paragraph (1)(D) of this subsection must be appointed before October 1, 1997. If the deadline is not met, the Secretary of Transportation and the Airports Authority are subject to the limitations of section 49108 of this title until all members referred to in paragraph (1)(D) are appointed.”

1998—Subsec. (b)(1)(F). Pub. L. 105-225, § 7(c)(1)(A), substituted “1986” for “1996”.

Subsec. (c)(3). Pub. L. 105-225, § 7(c)(1)(B), substituted “to the board” for “by the board”.

## EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

## EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-225, § 7(c)(3), Aug. 12, 1998, 112 Stat. 1512, provided that: “The amendments made by this subsection [amending this section and sections 49107 and 49111 of this title and provisions set out as a note preceding section 101 of this title] are effective as of November 20, 1997.”

**§ 49107. Federal employees at Metropolitan Washington Airports**

(a) LABOR AGREEMENTS.—(1) The Metropolitan Washington Airports Authority shall adopt all labor agreements that were in effect on June 7, 1987. Unless the parties otherwise agree, the agreements must be renegotiated before June 7, 1992.

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

(b) CIVIL SERVICE RETIREMENT.—Any Federal employee who transferred to the Airports Au-

thority 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.

(Added Pub. L. 105-102, § 2(26), Nov. 20, 1997, 111 Stat. 2212; amended Pub. L. 105-225, § 7(c)(1)(C), Aug. 12, 1998, 112 Stat. 1511.)

## HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                                                                                                                                                                                                                          |
|-----------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 49107(a) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, § 6008(a)-(d), (f), 100 Stat. 1783-382, 1783-383.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, § 6008(a)-(d), (f), 100 Stat. 3341-383, 3341-387.<br>Oct. 18, 1986, Pub. L. 99-500, title VI, § 6008(e), 100 Stat. 1783-383. |
| 49107(b) .....  | (uncodified).      | Oct. 30, 1986, Pub. L. 99-591, title VI, § 6008(e), 100 Stat. 3341-386.<br>Oct. 18, 1986, Pub. L. 99-500, title VI, § 6008(g), 100 Stat. 1783-384.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, § 6008(g), 100 Stat. 3341-387.                                       |
| 49107(c) .....  | (uncodified).      |                                                                                                                                                                                                                                                                     |

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.

## AMENDMENTS

1998—Subsec. (b). Pub. L. 105-225 substituted “is subject to subchapter III” for “is subject to subchapter II”.

## EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-225 effective Nov. 20, 1997, see section 7(c)(3) of Pub. L. 105-225, set out as a note under section 49106 of this title.

## RETIREMENT PROVISIONS RELATING TO CERTAIN MEMBERS OF POLICE FORCE OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Pub. L. 106-554, § 1(a)(3) [title VI, § 636], Dec. 21, 2000, 114 Stat. 2763, 2763A-164, provided that:

“(a) QUALIFIED MWAA POLICE OFFICER DEFINED.—For purposes of this section, the term ‘qualified MWAA police officer’ means any individual who, as of the date of the enactment of this Act [Dec. 21, 2000]—

“(1) is employed as a member of the police force of the Metropolitan Washington Airports Authority

(hereafter in this section referred to as an 'MWAA police officer'); and

“(2) is subject to the Civil Service Retirement System or the Federal Employees' Retirement System by virtue of section 49107(b) of title 49, United States Code.

“(b) ELIGIBILITY TO BE TREATED AS A LAW ENFORCEMENT OFFICER FOR RETIREMENT PURPOSES.—

“(1) IN GENERAL.—Any qualified MWAA police officer may, by written election submitted in accordance with applicable requirements under subsection (c), elect to be treated as a law enforcement officer (within the meaning of section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

“(2) PRIOR SERVICE DESCRIBED.—The service described in this paragraph is all service which an individual performed, prior to the effective date of such individual's election under this section, as—

“(A) an MWAA police officer; or

“(B) a member of the police force of the Federal Aviation Administration (hereafter in this section referred to as an 'FAA police officer').

“(c) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any election under this section shall be made. Such an election shall not be effective unless—

“(1) it is made before the employee separates from service with the Metropolitan Washington Airports Authority, but in no event later than 1 year after the regulations under this subsection take effect; and

“(2) it is accompanied by payment of an amount equal to, with respect to all prior service of such employee which is described in subsection (b)(2)—

“(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, U.S.C. (as the case may be) if such election had then been in effect, minus

“(B) the total employee deductions and contributions under such chapter 83 and 84 (as applicable) that were actually made for such service, taking into account only amounts required to be credited to the Civil Service Retirement and Disability Fund. Any amount under paragraph (2) shall be computed with interest, in accordance with section 8334(e) of such title 5.

“(d) GOVERNMENT CONTRIBUTIONS.—Whenever a payment under subsection (c)(2) is made by an individual with respect to such individual's prior service (as described in subsection (b)(2)), the Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund any additional contributions for which it would have been liable, with respect to such service, if such individual's election under this section had then been in effect (and, to the extent of any prior FAA police officer service, as if it had then been the employing agency). Any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.

“(e) CERTIFICATIONS.—The Office of Personnel Management shall accept, for the purpose of this section, the certification of—

“(1) the Metropolitan Washington Airports Authority (or its designee) concerning any service performed by an individual as an MWAA police officer; and

“(2) the Federal Aviation Administration (or its designee) concerning any service performed by an individual as an FAA police officer.

“(f) REIMBURSEMENT TO COMPENSATE FOR UNFUNDED LIABILITY.—

“(1) IN GENERAL.—The Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount (as determined by the Director of the Office of Personnel Management) equal to the amount necessary to reimburse the Fund for any estimated increase in the unfunded

liability of the Fund (to the extent the Civil Service Retirement System is involved), and for any estimated increase in the supplemental liability of the Fund (to the extent the Federal Employees' Retirement System is involved), resulting from the enactment of this section.

“(2) PAYMENT METHOD.—The Metropolitan Washington Airports Authority shall pay the amount so determined in five equal annual installments, with interest (which shall be computed at the rate used in the most recent valuation of the Federal Employees' Retirement System).”

#### § 49108. Limitations

After October 1, 2008, the Secretary of Transportation may not approve an application of the Metropolitan Washington Airports Authority—

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

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

(Added Pub. L. 105-102, §2(26), Nov. 20, 1997, 111 Stat. 2213; amended Pub. L. 106-181, title II, §231(h), Apr. 5, 2000, 114 Stat. 115; Pub. L. 108-176, title VIII, §804, Dec. 12, 2003, 117 Stat. 2587.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                                                                                                                                                                                                               |
|-----------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 49108 .....     | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, §6007(i), as added Oct. 9, 1996, Pub. L. 104-264, title IX, §905, 110 Stat. 3276.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §6007(i), as added Oct. 9, 1996, Pub. L. 104-264, title IX, §905, 110 Stat. 3276. |

#### AMENDMENTS

2003—Pub. L. 108-176 substituted “2008” for “2004” in introductory provisions.

2000—Pub. L. 106-181 substituted “2004” for “2001” in introductory provisions.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

#### § 49109. Nonstop flights

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

(Added Pub. L. 105-102, §2(26), Nov. 20, 1997, 111 Stat. 2213; amended Pub. L. 105-154, §2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3.)

#### HISTORICAL AND REVISION NOTES

| 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. |

## HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                          |
|-----------------|--------------------|---------------------------------------------------------------------|
|                 |                    | Oct. 30, 1986, Pub. L. 99-591, title VI, §6012, 100 Stat. 3341-388. |

## AMENDMENTS

1998—Pub. L. 105-154 substituted “Ronald Reagan Washington National Airport” for “Washington National Airport” in two places.

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

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

(Added Pub. L. 105-102, §2(26), Nov. 20, 1997, 111 Stat. 2213.)

## HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                                                                                                                                                                                                         |
|-----------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 49110 .....     | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, §6013, as added Oct. 9, 1996, Pub. L. 104-264, title IX, §906, 110 Stat. 3277.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §6013, as added Oct. 9, 1996, Pub. L. 104-264, title IX, §906, 110 Stat. 3277. |

The words “Except as provided by subsection (b)” and “the requirements of” are omitted as unnecessary.

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

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

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

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

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

(c) POLICE POWER.—Virginia shall have concurrent police power authority over the Metropoli-

tan Washington Airports, and the courts of Virginia may exercise jurisdiction over Ronald Reagan Washington National Airport.

(d) PLANNING.—(1) The authority of the National Capital Planning Commission under section 8722 of title 40 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 Ronald Reagan Washington National Airport when viewed from the opposing shoreline of the Potomac River or from the George Washington Parkway.

(Added Pub. L. 105-102, §2(26), Nov. 20, 1997, 111 Stat. 2213; amended Pub. L. 105-154, §2(a)(1)(D), Feb. 6, 1998, 112 Stat. 3; Pub. L. 105-225, §7(c)(1)(D), Aug. 12, 1998, 112 Stat. 1511; Pub. L. 106-181, title II, §231(j)(1), Apr. 5, 2000, 114 Stat. 115; Pub. L. 107-217, §3(n)(9), Aug. 21, 2002, 116 Stat. 1303.)

## HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                                                                                                                                                                                                                                                 |
|-----------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 49111(a) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, §6009(a), 100 Stat. 1783-384.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §6009(a), 100 Stat. 3341-387.                                                                                                                                           |
| 49111(b) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, §6009(b), 100 Stat. 1783-384; Oct. 9, 1996, Pub. L. 104-264, title IX, §904(c)(1), 110 Stat. 3276.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §6009(b), 100 Stat. 3341-387; Oct. 9, 1996, Pub. L. 104-264, title IX, §904(c)(1), 110 Stat. 3276. |
| 49111(c) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, §6009(c), 100 Stat. 1783-384.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §6009(c), 100 Stat. 3341-387.                                                                                                                                           |
| 49111(d) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, §6009(d), 100 Stat. 1783-384.<br>Oct. 30, 1986, Pub. L. 99-591, title VI, §6009(d), 100 Stat. 3341-387.                                                                                                                                           |
| 49111(e) .....  | (uncodified).      | Oct. 18, 1986, Pub. L. 99-500, title VI, §6009(e), 100 Stat. 1783-384.<br>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.

## REFERENCES IN TEXT

Section 6005 of the Metropolitan Washington Airports Act of 1986, referred to in subsec. (a), is section 6005 of Pub. L. 99-500, title VI, Oct. 18, 1986, 100 Stat. 1783-375, and Pub. L. 99-591, title VI, Oct. 30, 1986, 100 Stat. 3341-378, which was classified to section 2454 of former Title 49, Transportation, and was repealed and reenacted as this section by Pub. L. 105-102, §§2(26), 5(b), Nov. 20, 1997, 111 Stat. 2205, 2217.

Act of June 29, 1940, ch. 444, 54 Stat. 686, referred to in subsec. (a)(2), was classified to subchapter I (§ 2401 et seq.) of chapter 33 of former Title 49, Transportation, and was omitted from the Code when subtitles II, III, and V to X of Title 49, Transportation, were enacted by Pub. L. 103-272, July 5, 1994, 108 Stat. 745.

The First Supplemental Civil Functions Appropriations Act, 1941, referred to in subsec. (a)(2), is act Oct. 9, 1940, ch. 780, 54 Stat. 1030. For complete classification of this Act to the Code, see Tables.

Act of September 7, 1950, ch. 905, 64 Stat. 770, referred to in subsec. (a)(2), was classified to subchapter II (§ 2421 et seq.) of chapter 33 of former Title 49, Transportation, and was omitted from the Code when subtitles II, III, and V to X of Title 49, Transportation, were enacted by Pub. L. 103-272, July 5, 1994, 108 Stat. 745.

#### AMENDMENTS

2002—Subsec. (d)(1). Pub. L. 107-217 substituted “section 8722 of title 40” for “section 5 of the Act of June 6, 1924 (40 U.S.C. 71d).”

2000—Subsec. (e). Pub. L. 106-181 struck out heading and text of subsec. (e). Text read as follows: “The Administrator of the Federal Aviation Administration may not increase the number of instrument flight rule takeoffs and landings authorized for air carriers by the High Density Rule (14 CFR 93.121 et seq.) at Ronald Reagan Washington National Airport on October 18, 1986, and may not decrease the number of those takeoffs and landings except for reasons of safety.”

1998—Subsec. (b). Pub. L. 105-225 substituted “retention by” for “retention of”.

Subsecs. (c), (d)(2)(B), (e). Pub. L. 105-154 substituted “Ronald Reagan Washington National Airport” for “Washington National Airport”.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-225 effective Nov. 20, 1997, see section 7(c)(3) of Pub. L. 105-225, set out as a note under section 49106 of this title.

### **§ 49112. Separability and effect of judicial order**

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

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

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

(Added Pub. L. 105-102, § 2(26), Nov. 20, 1997, 111 Stat. 2214.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                                                                                                                                                                                                                                                     |
|------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 49112(a) .....         | (uncodified).             | Oct. 18, 1986, Pub. L. 99-500, title VI, § 6011, 100 Stat. 1783-385; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(c)(2), 110 Stat. 3276. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6011, 100 Stat. 3341-388; Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(c)(2), 110 Stat. 3276. |
| 49112(b)(1) ..         | (uncodified).             | Oct. 18, 1986, Pub. L. 99-500, title VI, § 6014, as added Oct. 9, 1996, Pub. L. 104-264, title IX, § 907, 110 Stat. 3277. Oct. 30, 1986, Pub. L. 99-591, title VI, § 6014, as added Oct. 9, 1996, Pub. L. 104-264, title IX, § 907, 110 Stat. 3277.                                   |
| 49112(b)(2) ..         | (uncodified).             | Oct. 9, 1996, Pub. L. 104-264, title IX, § 904(d), 110 Stat. 3276.                                                                                                                                                                                                                    |

In subsection (a), the word “thereby” is omitted as surplus.

In subsection (b)(1), the words “the limitations described in” are omitted as unnecessary.

#### REFERENCES IN TEXT

The Metropolitan Washington Airports Amendments Act of 1996, referred to in subsec. (b)(1), is title IX of Pub. L. 104-264, Oct. 9, 1996, 110 Stat. 3274, which amended the Metropolitan Washington Airports Act of 1986, title VI of Pub. L. 99-500, Oct. 18, 1986, 100 Stat. 1783-373, and title VI of Pub. L. 99-591, Oct. 30, 1986, 100 Stat. 3341-376, as amended. The Metropolitan Washington Airports Act of 1986 was classified generally to subchapter III (§ 2451 et seq.) of chapter 33 of former Title 49, Transportation, and was repealed and reenacted as this chapter by Pub. L. 105-102, §§ 2(26), 5(b), Nov. 20, 1997, 111 Stat. 2205, 2217.

Section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986, referred to in subsec. (b)(2), is section 6007(f)(4) of Pub. L. 99-500, title VI, Oct. 18, 1986, 100 Stat. 1783-379, and Pub. L. 99-591, title VI, Oct. 30, 1986, 100 Stat. 3341-382, which related to a Board of Review and was classified to section 2456(f)(4) of former Title 49, Transportation. Subsec. (f) of section 6007 was repealed and subsec. (g) redesignated (f) by Pub. L. 104-264, title IX, § 904(a), Oct. 9, 1996, 110 Stat. 3276. Section 6007 was subsequently repealed and reenacted as section 49106 of Title 49, Transportation, by Pub. L. 105-102, §§ 2(26), 5(b), Nov. 20, 1997, 111 Stat. 2205, 2217, and does not contain provisions relating to a Board of Review.

### PART E—MISCELLANEOUS

#### AMENDMENTS

1996—Pub. L. 104-287, § 5(88)(A), Oct. 11, 1996, 110 Stat. 3398, redesignated part D of this subtitle as this part.

### **CHAPTER 501—BUY-AMERICAN PREFERENCES**

Sec.

|        |                                                                                                                    |
|--------|--------------------------------------------------------------------------------------------------------------------|
| 50101. | Buying goods produced in the United States.                                                                        |
| 50102. | Restricting contract awards because of discrimination against United States goods or services.                     |
| 50103. | Contract preference for domestic firms.                                                                            |
| 50104. | Restriction on airport projects using products or services of foreign countries denying fair market opportunities. |
| 50105. | Fraudulent use of “Made in America” label.                                                                         |

#### AMENDMENTS

1996—Pub. L. 104-287, § 5(88)(B), (C), Oct. 11, 1996, 110 Stat. 3398, redesignated chapter 491 of this title as this chapter and items 49101 to 49105 as 50101 to 50105, respectively.