

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.—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; amended Pub. L. 118-63, title XI, §1101(y), May 16, 2024, 138 Stat. 1415.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
49112(a)	(unmodified).	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) ..	(unmodified).	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) ..	(unmodified).	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.

Editorial Notes

REFERENCES IN TEXT

Section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986, referred to in subsec. (b), 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 (f) of section 6007 was repealed and subsec.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.

AMENDMENTS

2024—Subsec. (b). Pub. L. 118-63 struck out par. (2) designation before “Any action” and struck out par. (1) which read as follows: “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.”

PART E—MISCELLANEOUS

Editorial Notes

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.

Editorial Notes

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.

§ 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, 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—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) the steel and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

(3) when procuring a facility or equipment under section 44502(a)(2) or 44509, subchapter I of chapter 471, or chapter 481 (except sections 48102(e), 48106, 48107, and 48110) of this title—

(A) the cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components of the facility or equipment; and

(B) final assembly of the facility or equipment has occurred in the United States; or

(4) including domestic material will increase the cost of the overall project by more than 25 percent.

(c) LABOR COSTS.—In this section, labor costs involved in final assembly are not included in calculating the cost of components.