

House Calendar No. 53

105TH CONGRESS
1ST Session

H. R. 1086

[Report No. 105-153]

A BILL

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

JUNE 25, 1997

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

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IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 1997

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

JUNE 25, 1997

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

[For text of introduced bill, see copy of bill as introduced on March 17, 1997]

A BILL

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

- 1 *Be it enacted by the Senate and House of Representatives of the United*
- 2 *States of America in Congress assembled,*
- 3 **SECTION 1. TITLE 26, INTERNAL REVENUE CODE OF 1986.**
- 4 *Section 9503(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C.*
- 5 *9503(e)(3)) is amended by striking “such Acts are in effect” and all that fol-*
- 6 *lows through the end of the paragraph and substituting “section 5338 (a)(1)*

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

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

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

5 (1) In the item related to subchapter I in the analysis for chapter
6 5, strike—

7 “DUTIES AND”.

8 (2) In the heading for subchapter I of chapter 5, strike—

9 “AND”.

10 (3) In section 5108(f), strike “section 522(f)” and substitute “section
11 552(b)”.

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

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

15 (B) In paragraph (4)(A), strike “paragraph (3)” and sub-
16 stitute “paragraph (5)”.

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

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

21 (6) In section 11904(a)(2), strike “a person” and substitute “per-
22 son”.

23 (7) In section 11906, strike “of this title” and substitute “of this
24 part”.

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

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

29 (10) In section 13905(e)(1), strike “31144,” and substitute “31144”.

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

31 (12) In section 14903(a), insert “a” before “civil penalty of not
32 more than”.

33 (13) In section 15101(a), strike “oversee of” and substitute “over-
34 see”.

35 (14) In the item related to section 15904 in the analysis for chapter
36 159, strike “certain” and substitute “pipeline”.

37 (15) In section 15904(c)(1), strike “section 11501(b)” and substitute
38 “15901(b)”.

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

1 (17) *In item 305 in the subtitle analysis for subtitle VI, strike “NA-*
 2 *TIONAL AUTOMOBILE TITLE INFORMATION SYSTEM” and substitute “NA-*
 3 *TIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM”.*

4 (18) *In section 30305(b)—*

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

9 (B) *redesignate paragraph (8), as redesignated by section*
 10 *502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Pub-*
 11 *lic Law 104–264, 110 Stat. 3262), as paragraph (9).*

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

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

“PART D—PUBLIC AIRPORTS

“491. METROPOLITAN WASHINGTON AIRPORTS 49101”.

16 (21) *In the item related to section 41502 in the analysis for chapter*
 17 *415, strike “common”.*

18 (22) *The catchline for section 41502 is amended by striking “com-*
 19 *mon”.*

20 (23) *In section 41713(b)(4)(B)(ii), strike “10102” and substitute*
 21 *“13102”.*

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

25 (25) *In section 44936(f)(1)(C), strike “section 30305(b)(7)” and sub-*
 26 *stitute “section 30305(b)(8) of this title”.*

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

“PART D—PUBLIC AIRPORTS

**“CHAPTER 491—METROPOLITAN WASHINGTON
 AIRPORTS**

“Sec.

“49101. *Findings.*

“49102. *Purpose.*

“49103. *Definitions.*

“49104. *Lease of Metropolitan Washington Airports.*

“49105. *Capital improvements, construction, and rehabilitation.*

“49106. *Metropolitan Washington Airports Authority.*

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

“49108. *Limitations.*

“49109. *Nonstop flights.*

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

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

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

1 **“§ 49101. Findings**

2 “Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

5 **“§49102. Purpose**

6 “(a) GENERAL.—The purpose of this chapter is to authorize the transfer
7 of operating responsibility under long-term lease of the 2 Metropolitan Wash-
8 ington Airport properties as a unit, including access highways and other re-
9 lated facilities, to a properly constituted independent airport authority cre-
10 ated by Virginia and the District of Columbia, in order to achieve local con-
11 trol, management, operation, and development of these important transpor-
12 tation assets.

13 “(b) INCLUSION OF BALTIMORE/WASHINGTON INTERNATIONAL AIRPORT
14 NOT PRECLUDED.—This chapter does not prohibit the Airports Authority and
15 Maryland from making an agreement to make Baltimore/Washington Inter-
16 national Airport part of a regional airports authority, subject to terms agreed
17 to by the Airports Authority, the Secretary of Transportation, Virginia, the
18 District of Columbia, and Maryland.

19 **§49103. Definitions**

20 “In this chapter—

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

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

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

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

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

36 **“§49104. Lease of Metropolitan Washington Airports**

37 “(a) GENERAL.—The lease between the Secretary of Transportation and
38 the Metropolitan Washington Airports Authority under section 6005(a) of the
39 Metropolitan Washington Airports Authority under section 6005(a) of the
40 Metropolitan Washington Airports Act of 1986 (Public Law 99-500, 100 Stat.
41 1783-375, Public Law 99-591, 100 Stat. 3341-378), for the Metropolitan

1 *Washington Airports must provide during its 50-year term at least the follow-*
2 *ing:*

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

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

8 “(i) *aviation business or activities;*

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

11 “(iii) *nonprofit, public use facilities that are not inconsistent*
12 *with the needs of aviation.*

13 “(B) *During the period of the lease, the real property constituting*
14 *the Metropolitan Washington Airports shall be used only for airport pur-*
15 *poses.*

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

19 “(i) *direct that the Airports Authority take appropriate meas-*
20 *ures to have that part of the property be used for airport purposes;*
21 *and*

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

25 “(3) *The Airports Authority is subject to section 47107 (a)–(c) and*
26 *(e) of this title and to the assurances and conditions required of grant*
27 *recipients under the Airport and Airway Improvement Act of 1982 (Pub-*
28 *lic Law 97–248, 96 Stat. 671) as in effect on June 7, 1987. Notwith-*
29 *standing section 47107(b) of this title, all revenues generated by the Met-*
30 *ropolitan Washington Airports shall be expended for the capital and op-*
31 *erating costs of the Metropolitan Washington Airports.*

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

38 “(5)(A) *Except as provided in subparagraph (B) of this paragraph,*
39 *all regulations of the Metropolitan Washington Airports (14 C.F.R. part*
40 *159) become regulations of the Airports Authority as of June 7, 1987,*

1 *and remain in effect until modified or revoked by the Airports Authority*
2 *under procedures of the Airports Authority.*

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

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

11 *“(6)(A) Except as specified in subparagraph (B) of this paragraph,*
12 *the Airports Authority shall assume all rights, liabilities, and obligations*
13 *of the Metropolitan Washington Airports on June 7, 1987, including*
14 *leases, permits, licenses, contracts, agreements, claims, tariffs, accounts*
15 *receivable, accounts payable, and litigation related to those rights and*
16 *obligations, regardless whether judgment has been entered, damages*
17 *awarded, or appeal taken. The Airports Authority must cooperate in al-*
18 *lowing representatives of the Attorney General and the Secretary ade-*
19 *quate access to employees and records when needed for the performance*
20 *of duties and powers related to the period before June 7, 1987. The Air-*
21 *ports Authority shall assume responsibility for the Federal Aviation Ad-*
22 *ministration’s Master Plans for the Metropolitan Washington Airports.*

23 *“(B) The procedure for disputes resolution contained in any con-*
24 *tract entered into on behalf of the United States Government before June*
25 *7, 1987, continues to govern the performance of the contract unless other-*
26 *wise agreed to by the parties to the contract. Claims for monetary dam-*
27 *ages founded in tort, by or against the Government as the owner and*
28 *operator of the Metropolitan Washington Airports, arising before June*
29 *7, 1987, shall be adjudicated as if the lease had not been entered into.*

30 *“(C) The Administration is responsible for reimbursing the Employ-*
31 *ees’ Compensation Fund, as provided in section 8147 of title 5, for com-*
32 *penensation paid or payable after June 7, 1987, in accordance with chap-*
33 *ter 81 of title 5 for any injury, disability, or death due to events arising*
34 *before June 7, 1987, whether or not a claim was filed or was final on*
35 *that date.*

36 *“(D) The Airports Authority shall continue all collective bargaining*
37 *rights enjoyed by employees of the Metropolitan Washington Airports be-*
38 *fore June 7, 1987.*

39 *“(7) The Comptroller General may conduct periodic audits of the*
40 *activities and transactions of the Airports Authority in accordance with*
41 *generally accepted management principles, and under regulations the*

1 *Comptroller General may prescribe. An audit shall be conducted where*
 2 *the Comptroller General considers it appropriate. All records and prop-*
 3 *erty of the Airports Authority shall remain in possession and custody*
 4 *of the Airports Authority.*

5 *“(8) The Airports Authority shall develop a code of ethics and fi-*
 6 *nanical disclosure to ensure the integrity of all decisions made by its*
 7 *board of directors and employees. The code shall include standards by*
 8 *which members of the board will decide, for purposes of section 49106(d)*
 9 *of this title, what constitutes a substantial financial interest and the cir-*
 10 *cumstances under which an exception to the conflict of interest prohibi-*
 11 *tion may be granted.*

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

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

18 *“(B) at Washington National Airport may not be used for*
 19 *maintenance or operating expenses (excluding debt service, depreci-*
 20 *ation, and amortization) at Washington Dulles International Air-*
 21 *port.*

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

27 *“(11) The Secretary shall include other terms applicable to the par-*
 28 *ties to the lease that are consistent with, and carry out, this chapter.*

29 *“(b) PAYMENTS.—Under the lease, the Airports Authority must pay to*
 30 *the general fund of the Treasury annually an amount, computed using the*
 31 *GNP Price Deflator, equal to \$3,000,000 in 1987 dollars. The Secretary and*
 32 *the Airports Authority may renegotiate the level of lease payments attri-*
 33 *utable to inflation costs every 10 years.*

34 *“(c) ENFORCEMENT OF LEASE PROVISIONS.—The district courts of the*
 35 *United States have jurisdiction to compel the Airports Authority and its offi-*
 36 *cers and employees to comply with the terms of the lease. The Attorney Gen-*
 37 *eral or an aggrieved party may bring an action on behalf of the Government.*

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

1 **“§49105. Capital improvements, construction, and rehabilita-**
 2 **tion**

3 “(a) *SENSE OF CONGRESS.*—*It is the sense of Congress that the Metro-*
 4 *politan Washington Airports Authority—*

5 “(1) *should pursue the improvement, construction, and rehabilita-*
 6 *tion of the facilities at Washington Dulles International Airport and*
 7 *Washington National Airport simultaneously; and*

8 “(2) *to the extent practicable, should cause the improvement, con-*
 9 *struction, and rehabilitation proposed by the Secretary of Transportation*
 10 *to be completed at Washington Dulles International Airport and Wash-*
 11 *ington National Airport within 5 years after March 30, 1988.*

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

18 **“§49106. Metropolitan Washington Airports Authority**

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

21 “(1) *a public body corporate and politic with the powers and juris-*
 22 *isdiction—*

23 “(A) *conferred upon it jointly by the legislative authority of*
 24 *Virginia and the District of Columbia or by either of them and con-*
 25 *curred in by the legislative authority of the other jurisdiction; and*

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

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

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

33 “(b) *GENERAL AUTHORITY.*—(1) *The Airports Authority shall be author-*
 34 *ized—*

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

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

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

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

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

6 “(F) to make and maintain agreements with employee organiza-
7 tions to the extent that the Federal Aviation Administration was author-
8 ized to do so on October 18, 1996.

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

10 “(A) are not a debt of Virginia, the District of Columbia, or a polit-
11 ical subdivision of Virginia or the District of Columbia; and

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

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

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

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

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

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

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

27 “(3) Members of the board shall be appointed by the board for 6 years,
28 except that of the members first appointed by the President after October 9,
29 1996, one shall be appointed for 4 years. A member may serve after the expi-
30 ration of that member’s term until a successor has taken office.

31 “(4) A member of the board—

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

33 “(B) serves without compensation except for reasonable expenses in-
34 cident to board functions; and

35 “(C) must reside within the Washington Standard Metropolitan
36 Statistical Area, except that a member of the board appointed by the
37 President must be a registered voter of a State other than Maryland, Vir-
38 ginia, or the District of Columbia.

39 “(5) A vacancy in the board shall be filled in the manner in which the
40 original appointment was made. A member appointed to fill a vacancy occur-

1 ring before the expiration of the term for which the member's predecessor was
2 appointed shall be appointed only for the remainder of that term.

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

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

8 “(C) The members to be appointed under paragraph (1)(D) of this sub-
9 section must be appointed before October 1, 1997. If the deadline is not met,
10 the Secretary of Transportation and the Airport Authority are subject to the
11 limitations of section 49108 of this title until all members referred to in para-
12 graph (1)(D) are appointed.

13 “(D) A member appointed by the President may be removed by the Presi-
14 dent for cause.

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

17 “(d) *CONFLICTS OF INTEREST.*—Members of the board and their imme-
18 diate families may not be employed by or otherwise hold a substantial finan-
19 cial interest in any enterprise that has or is seeking a contract or agreement
20 with the Airports Authority or is an aeronautical, aviation services, or air-
21 port services enterprise that otherwise has interests that can be directly af-
22 fected by the Airports Authority. The official appointing a member may make
23 an exception if the financial interest is completely disclosed when the member
24 is appointed and the member does not participate in board decisions that di-
25 rectly affect the interest.

26 “(e) *CERTAIN ACTIONS TO BE TAKEN BY REGULATION.*—An action of
27 the Airports Authority changing, or having the effect of changing, the hours
28 of operation of, or the type of aircraft serving, either of the Metropolitan
29 Washington Airports may be taken only by regulation of the Airports Author-
30 ity.

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

35 “(g) *REVIEW OF CONTRACTING PROCEDURES.*—The Comptroller General
36 shall review contracts of the Airports Authority to decide whether the con-
37 tracts were awarded by procedures that follow sound Government contracting
38 principles and comply with section 49104(a)(4) of this title. The Comptroller
39 General shall submit periodic reports of the conclusions reached as a result
40 of the review to the Committee on Transportation and Infrastructure of the

1 *House of Representatives and the Committee on Commerce, Science, and*
 2 *Transportation of the Senate.*

3 **“§49107. Federal employees at Metropolitan Washington Air-**
 4 **ports**

5 “(a) *LABOR AGREEMENTS.*—*The Metropolitan Washington Airports Au-*
 6 *thority shall adopt all labor agreements that were in effect on June 7, 1987.*
 7 *Unless the parties otherwise agree, the agreements must be renegotiated before*
 8 *June 7, 1992.*

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

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

24 “(c) *ACCESS TO RECORDS.*—*The Airports Authority shall allow rep-*
 25 *resentatives of the Secretary of Transportation adequate access to employees*
 26 *and employee records of the Airports Authority when needed to carry out a*
 27 *duty or power related to the period before June 7, 1987. The Secretary shall*
 28 *provide the Airports Authority access to employee records of transferring em-*
 29 *ployees for appropriate purposes.*

30 **“§49108. Limitations**

31 “*After October 1, 2001, the Secretary of Transportation may not approve*
 32 *an application of the Metropolitan Washington Airports Authority—*

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

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

37 **“§49109. Nonstop flights**

38 “*An air carrier may not operate an aircraft nonstop in air transpor-*
 39 *tation between Washington National Airport and another airport that is more*
 40 *than 1,250 statute miles away from Washington National Airport.*

1 **§49110. Use of Dulles Airport Access Highway**

2 “The Metropolitan Washington Airports Authority shall continue in ef-
3 fect and enforce section 4.2 (1) and (2) of the Metropolitan Washing-
4 ton Airports Regulations, as in effect on February 1, 1995. The district courts of the
5 United States have jurisdiction to compel the Airports Authority and its offi-
6 cers and employees to comply with this section. The Attorney General or an
7 aggrieved party may bring an action on behalf of the United States Govern-
8 ment.

9 **“§49111. Relationship to and effect of other laws**

10 “(a) SAME POWERS AND RESTRICTIONS UNDER OTHER LAWS.—To en-
11 sure that the Metropolitan Washington Airports Authority has the same pro-
12 prietary powers and is subject to the same restrictions under United States
13 law as any other airport except as otherwise provided in this chapter, during
14 the period that the lease authorized by section 6005 of the Metropolitan Wash-
15 ington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public
16 Law 99–591, 100 Stat. 3341–378) is in effect—

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

19 “(2) the Act of June 29, 1940 (ch. 444, 54 Stat. 686), the First Sup-
20 plemental Civil Functions Appropriations Act, 1941 (ch. 780, 54 Stat.
21 1030), and the Act of September 7, 1950 (ch. 905, 64 Stat. 770), do not
22 apply to the operation of the Metropolitan Washington Airports, and the
23 Secretary of Transportation is relieved of all responsibility under those
24 Acts.

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

29 “(c) POLICE POWER.—Virginia shall have concurrent police power au-
30 thority over the Metropolitan Washington Airports, and the courts of Virginia
31 may exercise jurisdiction over Washington National Airport.

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

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

36 “(A) the Commission and the Advisory Council on Historic Preser-
37 vation before undertaking any major alterations to the exterior of the
38 main terminal at Washington Dulles International Airport; and

39 “(B) the Commission before undertaking development that would
40 alter the skyline of Washington National Airport when viewed from the

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

2 “(6) in subparagraph (B), as so redesignated, by striking ‘at least
3 2.25’ and all that follows through ‘1996,’ and inserting ‘at least 4 per-
4 cent for each of fiscal years 1997 and 1998; and”.

5 (B) Add at the end the following:

6 “(d) CONFORMING CROSS-REFERENCE.—Section 47117(e)(1)(A), as re-
7 designated by subsection (b)(3) of this section, is amended by striking
8 ‘47504(c)(1)’ and substituting ‘47504(c)’.”.

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

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

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

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

14 (d) Effective October 11, 1996—

15 (1) Section 5 of the Act of October 11, 1996 (Public Law 104–287,
16 110 Stat. 3388), is amended as follows:

17 (A) In clause (45)(A), strike “ENFORCEMENT,”
18 and substitute “ENFORCEMENT:”

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

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

21 **“§ 40124. Interstate agreements for airport facilities**

22 ‘Congress consents to a State making an agreement, not in conflict with
23 a law of the United States, with another State to develop or operate an air-
24 port facility.’.

25 (B) In the analysis for chapter 401, add at the end the following:
26 ‘40124. Interstate agreements for airport facilities.’.”.

27 (C) Clause (76) is repealed.

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

29 “(79) In section 46316(b), strike ‘and sections 44701 (a) and (b),
30 44702–44716, 44901, 44903 (b) and (c), 44905, 44906, 44912–44915,
31 and 44932–44938’ and substitute ‘chapter 447 (except section 44718(a)),
32 and chapter 449 (except sections 44902, 44903(d), 44904, and 44907–
33 44909)’.”.

34 (E) (84) is repealed.

35 (2) Section 8 of the Act of October 11, 1996 (Public Law 104–287,
36 110 Stat. 3400), is amended as follows:

37 (A) In paragraph (1), strike “(77), (78)” and substitute “(77)–
38 (79)”.

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

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

1 (e) *The General Aviation Revitalization Act of 1994 (Public Law 103–*
2 *298, 108 Stat. 1552) is amended as follows:*

3 (1) *In section 2(c), strike “the Federal Aviation Act of 1958 (49*
4 *U.S.C. App. 1301 et seq.)” and substitute “part A of subtitle VII of title*
5 *49, United States Code.”*

6 (2) *In section 3—*

7 (A) *in paragraph (1), strike “section 101(5) of the Federal*
8 *Aviation Act of 1958 (49 U.S.C. 1301(5))” and substitute “section*
9 *40102(a)(6) of title 49, United States Code”;*

10 (B) *in paragraph (2), strike “section 603(c) of the Federal*
11 *Aviation Act of 1958 (49 U.S.C. 1423(c))” and substitute “section*
12 *44704(c)(1) of title 49, United States Code,”; and*

13 (C) *in paragraph (4), strike “section 603(a) of the Federal*
14 *Aviation Act of 1958 (49 U.S.C. 1423(a))” and substitute “section*
15 *44704(a) of title 49, United States Code.”*

16 (f) *The amendments made by subsections (a)–(d) of this section shall take*
17 *effect as if included in the provisions of the acts to which the amendments*
18 *relate.*

19 **SEC. 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.**

20 (a) *NO SUBSTANTIVE CHANGE.—This Act restates, without substantive*
21 *change, laws enacted before May 1, 1997, that were replaced by this Act. This*
22 *Act may not be construed as making a substantive change in the laws re-*
23 *placed. Laws enacted after April 30, 1997, that are inconsistent with this Act*
24 *supersede this Act to the extent of the inconsistency.*

25 (b) *REFERENCES.—A reference to a law replaced by this Act, including*
26 *a reference in a regulation, order, or other law, is deemed to refer to the cor-*
27 *responding provision enacted by this Act.*

28 (c) *CONTINUING EFFECT.—An order, rule, or regulation in effect under*
29 *a law replaced by this Act continues in effect under the corresponding provi-*
30 *sion enacted by this Act until repealed, amended, or superseded.*

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

34 (e) *INFERENCES.—An inference of a legislative construction is not to be*
35 *drawn by reason of the location in the United States Code of a provision en-*
36 *acted by this Act or by reason of a caption or catch line of the provision.*

37 (f) *SEVERABILITY.—If a provision enacted by this Act is held invalid,*
38 *all valid provisions that are severable from the invalid provision remain in*
39 *effect. If a provision enacted by this Act is held invalid in any of its applica-*
40 *tions, the provision remains valid for all valid applications that are severable*
41 *from any of the invalid applications.*

1 **SEC. 5. REPEALS.**

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

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

Schedule of Laws Repealed
Statutes at Large

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