

§ 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;
- (iii) nonprofit, public use facilities that are not inconsistent with the needs of aviation; or
- (iv) a business or activity not inconsistent with the needs of aviation that has been approved by the Secretary.

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

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

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

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

erty 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; Pub. L. 112–95, title IV, §414(e), Feb. 14, 2012, 126 Stat. 92.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
49104(a)	(unmodified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §§6005(a), (d), 6007(d) (last sentence), 100 Stat. 1783–375, 1783–376, 1783–380.

HISTORICAL AND REVISION NOTES—CONTINUED

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

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

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

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

2012—Subsec. (a)(2)(A)(iv). Pub. L. 112-95 added cl. (iv).

2000—Subsec. (a)(5)(D). Pub. L. 106-181 added subpar. (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. Oct. 30, 1986, Pub. L. 99-591, title VI, §6006(a), 100 Stat. 3341-381.
49105(b)	(uncodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, §6006(b), 100 Stat. 1783-379. Oct. 30, 1986, Pub. L. 99-591, title VI, §6006(b), 100 Stat. 3341-382.

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 49108¹ 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 17 members:

(A) 7 members appointed by the Governor of Virginia;

(B) 4 members appointed by the Mayor of the District of Columbia;

(C) 3 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

¹ See References in Text note below.