

(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 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. Any member of the board shall be eligible for reappointment for 1 additional term. A member shall not serve after the expiration of the member’s term(s).

(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. A member appointed by the Mayor of the District of Columbia, the Governor of Maryland or the Governor of Virginia may be removed or suspended from office only for cause and in accordance with the laws of jurisdiction² from which the member is appointed.

¹ See References in Text note below.

² So in original. Probably should be preceded by “the”.

(7) Ten 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; Pub. L. 112–55, div. C, title I, §191, Nov. 18, 2011, 125 Stat. 671.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
49106(a)	(unclassified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6007(a), (b), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, §6007(a), (b), 100 Stat. 3341–382.
49106(b)	(unclassified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6007(c), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, §6007(c), 100 Stat. 3341–382.
49106(c)	(unclassified).	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. 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)	(unclassified).	Oct. 18, 1986, Pub. L. 99–500, title VI, §6007(d) (1st, 2d sentences), 100 Stat. 1783–379. Oct. 30, 1986, Pub. L. 99–591, title VI, §6007(d) (1st, 2d sentences), 100 Stat. 3341–382.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
49106(e)	(unclassified).	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. 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)	(unclassified).	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. 2202; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(b), 110 Stat. 3276. 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. 2202; Oct. 9, 1996, Pub. L. 104–264, title IX, §904(b), 110 Stat. 3276.
49106(g)	(unclassified).	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. 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.

REFERENCES IN TEXT

Section 49108 of this title, referred to in subsec. (a)(1)(B), was repealed by Pub. L. 112–95, title I, §150, Feb. 14, 2012, 126 Stat. 32.

AMENDMENTS

2011—Subsec. (c)(1). Pub. L. 112–55, §191(a)(1), substituted “17 members” for “13 members” in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 112–55, §191(a)(2), substituted “7 members” for “5 members”.

Subsec. (c)(1)(B). Pub. L. 112–55, §191(a)(3), substituted “4 members” for “3 members”.

Subsec. (c)(1)(C). Pub. L. 112–55, §191(a)(4), substituted “3 members” for “2 members”.

Subsec. (c)(3). Pub. L. 112–55, §191(b), substituted “Any member of the board shall be eligible for reappointment for 1 additional term. A member shall not serve after the expiration of the member’s term(s).” for “A member may serve after the expiration of that member’s term until a successor has taken office.”

Subsec. (c)(6)(C). Pub. L. 112–55, §191(c), inserted at end “A member appointed by the Mayor of the District of Columbia, the Governor of Maryland or the Governor of Virginia may be removed or suspended from office only for cause and in accordance with the laws of jurisdiction from which the member is appointed.”

Subsec. (c)(7). Pub. L. 112-55, §191(d), substituted “Ten votes” for “Eight votes”.

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 Authority and who on June 6, 1987, was subject to subchapter III of chapter 83 or chapter 84 of title 5, is subject to subchapter III of chapter 83 or chapter 84 for so long as continually employed by the Airports Authority without a break in service. For purposes of subchapter III of chapter 83 and chapter 84, employment by the Airports Authority without a break in continuity of service is deemed to be employment by the United States Government. The Airports Authority is the employing agency for purposes of subchapter III of chapter 83 and chapter 84 and shall contribute to the Civil Service Retirement and Disability Fund amounts required by subchapter III of chapter 83 and chapter 84.

(c) ACCESS TO RECORDS.—The Airports Authority shall allow representatives of the Secretary of Transportation adequate access to employees and employee records of the Airports Authority when needed to carry out a duty or power related to the period before June 7, 1987. The Secretary shall provide the Airports Authority access to employee records of transferring employees for appropriate purposes.

(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)	(unmodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, §6008(a)-(d), (f), 100 Stat. 1783-382, 1783-383. Oct. 30, 1986, Pub. L. 99-591, title VI, §6008(a)-(d), (f), 100 Stat. 3341-385, 3341-387.
49107(b)	(unmodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, §6008(e), 100 Stat. 1783-383. Oct. 30, 1986, Pub. L. 99-591, title VI, §6008(e), 100 Stat. 3341-386.
49107(c)	(unmodified).	Oct. 18, 1986, Pub. L. 99-500, title VI, §6008(g), 100 Stat. 1783-384. Oct. 30, 1986, Pub. L. 99-591, title VI, §6008(g), 100 Stat. 3341-387.

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

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

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—