

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 Metropolitan 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

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 49111(a) | (uncodified). | Oct. 18, 1986, Pub. L. 99-500, title VI, §6009(a), 100 Stat. 1783-384. 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. 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. 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. |

HISTORICAL AND REVISION NOTES—CONTINUED

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 49111(e) | (uncodified). | Oct. 30, 1986, Pub. L. 99-591, title VI, §6009(d), 100 Stat. 3341-387. Oct. 18, 1986, Pub. L. 99-500, title VI, §6009(e), 100 Stat. 1783-384. 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 49108¹ 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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 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 49108 of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 112-95, title I, §150, Feb. 14, 2012, 126 Stat. 32.

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.

§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 (except section 47127), 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 (except section 47127), 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.

¹ See References in Text note below.