

104TH CONGRESS
1ST SESSION

H. R. 1036

To amend the Metropolitan Washington Airports Act of 1986 to direct the President to appoint additional members to the board of directors of the Metropolitan Washington Airports Authority, to replace the Board of Review of the Airports Authority with a Federal Advisory Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1995

Mr. SHUSTER (for himself, Mr. MINETA, Mr. DUNCAN, and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Metropolitan Washington Airports Act of 1986 to direct the President to appoint additional members to the board of directors of the Metropolitan Washington Airports Authority, to replace the Board of Review of the Airports Authority with a Federal Advisory Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Metropolitan Washing-
5 ton Airports Amendments Act of 1995”.

1 **SEC. 2. AMENDMENT OF METROPOLITAN WASHINGTON**
2 **AIRPORTS ACT OF 1986.**

3 Except as otherwise expressly provided, whenever in
4 this Act an amendment or repeal is expressed in terms
5 of an amendment to, or repeal of, a section or other provi-
6 sion, the reference shall be considered to be made to a
7 section or other provision of the Metropolitan Washington
8 Airports Act of 1986 (100 Stat. 3341–376 et seq.).

9 **SEC. 3. USE OF LEASED PROPERTY.**

10 Section 6005(c)(2) is amended by inserting before the
11 period at the end of the second sentence the following:
12 “which are not inconsistent with the needs of aviation”.

13 **SEC. 4. BOARD OF DIRECTORS.**

14 (a) APPOINTMENT OF ADDITIONAL MEMBERS.—Sec-
15 tion 6007(e)(1) is amended—

16 (1) in the matter preceding subparagraph (A)
17 by striking “11” and inserting “15”;

18 (2) in subparagraph (D) by striking “one mem-
19 ber” and inserting “five members”.

20 (b) RESTRICTIONS.—Section 6007(e)(2) is amended
21 by striking “except that” and all that follows through the
22 period and inserting “except that the members appointed
23 by the President shall be registered voters of States other
24 than Maryland, Virginia, or the District of Columbia.”.

25 (c) TERMS.—Section 6007(e)(3) is amended—

1 (1) in subparagraph (B) by striking “and” at
2 the end;

3 (2) in subparagraph (C) by striking the period
4 at the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(D) by the President after the date of the
7 enactment of this subparagraph, 2 shall be ap-
8 pointed for 4 years.

9 A member may serve after the expiration of that
10 member’s term until a successor has taken office.”.

11 (d) VACANCIES.—Section 6007(e) is further amended
12 by redesignating paragraphs (4) and (5) as paragraphs
13 (6) and (7), respectively, and by inserting after paragraph
14 (3) the following:

15 “(4) VACANCIES.—A vacancy in the board of
16 directors shall be filled in the manner in which the
17 original appointment was made. Any member ap-
18 pointed to fill a vacancy occurring before the expira-
19 tion of the term for which the member’s predecessor
20 was appointed shall be appointed only for the re-
21 mainder of such term.”.

22 (e) POLITICAL PARTIES OF PRESIDENTIAL AP-
23 PPOINTEES.—Section 6007(e) is further amended by in-
24 serting after paragraph (4), as inserted by subsection (d)
25 of this section, the following:

1 “(5) POLITICAL PARTIES OF PRESIDENTIAL AP-
2 POINTEES.—Not more than 3 of the members of the
3 board appointed by the President may be of the
4 same political party.”.

5 (f) REQUIRED NUMBER OF VOTES.—Section
6 6007(e)(7), as redesignated by subsection (d) of this sec-
7 tion, is amended by striking “Seven” and inserting
8 “Nine”.

9 **SEC. 5. FEDERAL ADVISORY COMMISSION.**

10 (a) IN GENERAL.—Section 6007(f) is amended by
11 striking the subsection heading and paragraph (1) and in-
12 serting the following:

13 “(f) FEDERAL ADVISORY COMMISSION.—

14 “(1) COMPOSITION.—There is established a
15 Federal Advisory Commission of the Airports Au-
16 thority which shall represent the interests of users of
17 the Metropolitan Washington Airports and shall be
18 composed of 9 members appointed by the Secretary
19 of Transportation.”.

20 (b) REFERENCES TO BOARD OF REVIEW.—The Act
21 is amended—

22 (1) in section 6007(f) by striking “Board of Re-
23 view” each place it appears and inserting “Federal
24 Advisory Commission”;

25 (2) in section 6007(f)(3)—

1 (A) in the third sentence by striking
2 “Board” each place it appears and inserting
3 “Commission”; and

4 (B) in the fourth sentence by striking
5 “Board” the second place it appears and insert-
6 ing “Commission”;

7 (3) in the second sentence of section
8 6007(f)(6), as redesignated by section 8(a) of this
9 Act, by striking “Board” and inserting “Commis-
10 sion”;

11 (4) in section 6007(f)(7), as redesignated by
12 section 8(a) of this Act, by striking “Board” the sec-
13 ond place it appears and inserting “Commission”;
14 and

15 (5) in section 6009(b) by striking “Board of
16 Review” and inserting “Federal Advisory Commis-
17 sion”.

18 (c) OTHER CONFORMING AMENDMENTS.—Section
19 6007(f)(2) is amended—

20 (1) in subparagraph (A)—

21 (A) by striking “paragraphs (1)(A) and
22 (1)(B)” and inserting “paragraph (1)”; and

23 (B) by striking the second sentence; and

1 (2) in subparagraph (D) by striking “and lists
2 have been provided for appointments to fill such va-
3 cancies”.

4 **SEC. 6. REVIEW PROCEDURE.**

5 (a) SUBMISSION OF ACTIONS.—Section
6 6007(f)(4)(A) is amended to read as follows:

7 “(A) SUBMISSION REQUIRED.—

8 “(i) IN GENERAL.—An action of the
9 Airports Authority described in subpara-
10 graph (B) shall be submitted to the Fed-
11 eral Advisory Commission, the Speaker of
12 the House of Representatives, and the
13 President Pro Tempore of the Senate at
14 least 60 days before the action is to be-
15 come effective.

16 “(ii) URGENT AND COMPELLING CIR-
17 CUMSTANCES.—An action submitted to the
18 Federal Advisory Commission and Con-
19 gress in accordance with clause (i) may be-
20 come effective before the expiration of the
21 60-day period referred to in clause (i) if
22 the board of directors certifies, in writing,
23 to the Secretary and Congress that urgent
24 and compelling circumstances exist that
25 significantly affect the interests of the

1 travelling public and will not permit wait-
2 ing for the expiration of such 60-day pe-
3 riod.”.

4 (b) RECOMMENDATIONS.—Section 6007(f)(4)(C) is
5 amended to read as follows:

6 “(C) RECOMMENDATIONS.—The Federal
7 Advisory Commission may make to the board of
8 directors and Congress recommendations re-
9 garding an action within 30 calendar days of its
10 submission under this paragraph. Such rec-
11 ommendations may include a recommendation
12 that the action not take effect.”.

13 (c) EFFECT OF RECOMMENDATIONS.—

14 (1) REPEAL.—Section 6007(f)(4) is amended
15 by striking subparagraph (D) and by redesignating
16 subparagraph (E) as subparagraph (D).

17 (2) CONFORMING AMENDMENT.—Section
18 6007(f)(5)(B) is amended by striking “paragraph
19 (4)(D)(ii)” and inserting “paragraph (4)”.

20 (d) EXPIRATION OF AUTHORITY.—Section
21 6007(f)(4) is amended by adding at the end the following:

22 “(E) EXPIRATION OF AUTHORITY.—

23 “(i) IN GENERAL.—Except as pro-
24 vided in clause (ii), the authority of the
25 Airports Authority to take any of the ac-

1 tions described in subparagraph (B) shall
2 expire on April 30, 1996.

3 “(ii) SPECIAL RULE.—If on any day
4 after April 29, 1996, all of the members to
5 be appointed to the board of directors by
6 the President under section 6007(e)(1)(D)
7 are serving on the board, the authority of
8 the board referred to in clause (i) shall be
9 effective beginning on such day and shall
10 expire on September 30, 1997.”.

11 (e) PROTECTION OF CERTAIN ACTIONS.—Actions
12 taken by the Metropolitan Washington Airports Authority
13 and submitted to the Board of Review pursuant to section
14 6007(f)(4) of the Metropolitan Washington Airports Act
15 of 1986 before the date of the enactment of this Act shall
16 remain in effect and shall not be set aside solely by reason
17 of a judicial order invalidating certain functions of the
18 Board of Review.

19 **SEC. 7. CONGRESSIONAL DISAPPROVAL PROCEDURES.**

20 (a) COMMITTEE REFERRAL.—Section 6007(f)(5)(C)
21 is amended—

22 (1) by striking “Public Works and Transpor-
23 tation” and inserting “Transportation and Infra-
24 structure”; and

1 (2) by striking “Commerce, Science and Tech-
2 nology” and inserting “Commerce, Science, and
3 Transportation”.

4 (b) HOUSE PROCEDURE.—Section 6007(f)(5) is
5 amended—

6 (1) by striking subparagraphs (D), (E), and
7 (F);

8 (2) by redesignating subparagraphs (G) and
9 (H) as subparagraphs (E) and (F), respectively; and

10 (3) by inserting after subparagraph (C) the fol-
11 lowing:

12 “(D) HOUSE PROCEDURE.—When the
13 committee of the House has reported a resolu-
14 tion, it is at any time in order to move that the
15 House resolve into the Committee of the Whole
16 House on the State of the Union for consider-
17 ation of the resolution. All points of order
18 against the resolution and against consideration
19 of the resolution are waived. The motion is
20 highly privileged. The previous question shall be
21 considered as ordered on that motion to its
22 adoption without intervening motion. A motion
23 to reconsider the vote by which the motion is
24 agreed to or disagreed to shall not be in order.
25 Debate thereon shall be limited to not more

1 than 1 hour, the time to be divided in the
2 House equally between a proponent and an op-
3 ponent. During consideration of the resolution
4 in the Committee of the Whole, the first read-
5 ing of the resolution shall be dispensed with.
6 General debate shall proceed without interven-
7 ing motion, shall be confined to the resolution,
8 and shall not exceed 2 hours equally divided
9 and controlled by a proponent and an opponent
10 of the resolution. After general debate, the
11 Committee shall rise and report the bill to the
12 House. The previous question shall be consid-
13 ered as ordered on the resolution to final pas-
14 sage without intervening motion. A motion to
15 reconsider the vote on passage of the resolution
16 shall not be in order.”.

17 **SEC. 8. OTHER MATTERS RELATING TO FEDERAL ADVI-**
18 **SORY COMMISSION.**

19 (a) REQUEST FOR CONSIDERATION OF OTHER MAT-
20 TERS; PARTICIPATION IN MEETINGS.—Section 6007(f) is
21 amended by striking paragraphs (6) and (7) and by redes-
22 ignating paragraphs (8), (9), (10), and (11) as paragraphs
23 (6), (7), (8), and (9), respectively.

24 (b) REMOVAL OF FEDERAL ADVISORY COMMISSION
25 MEMBERS.—Section 6007(f)(9), as redesignated by sub-

1 section (a) of this section, is amended by striking “by a
2 two-thirds vote of the board of directors” and inserting
3 “by the Secretary of Transportation”.

4 **SEC. 9. EFFECT OF JUDICIAL ORDERS.**

5 (a) IN GENERAL.—Section 6007 is amended by strik-
6 ing subsection (h) and by redesignating subsection (i) as
7 subsection (h).

8 (b) CONFORMING AMENDMENT.—Section 6011 is
9 amended by striking “Except as provided in section
10 6007(h), if” and inserting “If”.

11 **SEC. 10. FEDERAL ADVISORY COMMITTEE ACT.**

12 Section 6007 is further amended by inserting after
13 subsection (h), as redesignated by section 9(a) of this Act,
14 the following:

15 “(i) FEDERAL ADVISORY COMMITTEE ACT.—The
16 Federal Advisory Committee Act (5 U.S.C. App.) shall not
17 apply to the Federal Advisory Commission.”.

18 **SEC. 11. USE OF DULLES ACCESS HIGHWAY.**

19 The Act is further amended by adding at the end the
20 following:

21 **“SEC. 6013. USE OF DULLES ACCESS HIGHWAY.**

22 “(a) RESTRICTIONS.—The Airports Authority shall
23 continue in effect and enforce paragraphs (1) and (2) of
24 section 4.2 of the Metropolitan Washington Airports Reg-
25 ulations, as in effect on February 1, 1995.

1 “(b) ENFORCEMENT.—The district courts of the
2 United States shall have jurisdiction to compel the Air-
3 ports Authority and its officers and employees to comply
4 with the requirements of this section. An action may be
5 brought on behalf of the United States by the Attorney
6 General, or by any aggrieved party.”.

7 **SEC. 12. AMENDMENT OF LEASE.**

8 The Secretary of Transportation shall amend the
9 lease entered into with the Metropolitan Washington Air-
10 ports Authority under section 6005(a) of the Metropolitan
11 Washington Airports Authority Act of 1986 to secure the
12 Airports Authority’s consent to the amendments made to
13 such Act by this Act.

14 **SEC. 13. AVAILABILITY OF SLOTS.**

15 (a) IN GENERAL.—Section 41714 of title 49, United
16 States Code, is amended—

17 (1) in subsections (a)(1), (b)(1), and (c)(1) by
18 striking “(other than Washington National Air-
19 port)”; and

20 (2) by redesignating subsection (h) as sub-
21 section (i) and by inserting after subsection (g) the
22 following:

23 “(h) LIMITATION ON AUTHORITY TO GRANT EXEMP-
24 TIONS.—The Secretary shall not issue an exemption under
25 this section to the requirements of subparts K and S of

1 part 93 of title 14 of the Code of Federal Regulations
2 (pertaining to slots at high density airports) if the grant
3 of such exemption would adversely affect safety.”.

4 (b) CONFORMING AMENDMENT.—Section 6009(e)(1)
5 is amended by striking “The Administrator” and inserting
6 “Except as provided by section 41714 of title 49, United
7 States Code, the Administrator”.

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