

Union Calendar No. 296

104TH CONGRESS
2^D SESSION

H. R. 1036

[Report No. 104-596]

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.

MAY 29, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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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

MAY 29, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[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 February 24, 1995]

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”.*

6 **SEC. 2. AMENDMENT OF METROPOLITAN WASHINGTON AIR-**
7 **PORTS ACT OF 1986.**

8 *Except as otherwise expressly provided, whenever in*
9 *this Act an amendment or repeal is expressed in terms of*
10 *an amendment to, or repeal of, a section or other provision,*
11 *the reference shall be considered to be made to a section or*
12 *other provision of the Metropolitan Washington Airports*
13 *Act of 1986 (100 Stat. 3341–376 et seq.).*

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

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

18 **SEC. 4. BOARD OF DIRECTORS.**

19 *(a) APPOINTMENT OF ADDITIONAL MEMBERS.—Sec-*
20 *tion 6007(e)(1) is amended—*

21 *(1) in the matter preceding subparagraph (A) by*
22 *striking “11” and inserting “15”;*

23 *(2) in subparagraph (D) by striking “one mem-*
24 *ber” and inserting “five members”.*

1 (b) *RESTRICTIONS.*—Section 6007(e)(2) is amended by
2 striking “except that” and all that follows through the pe-
3 riod and inserting “except that the members appointed by
4 the President shall be registered voters of States other than
5 Maryland, Virginia, or the District of Columbia.”.

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

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

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

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

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

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

17 (d) *VACANCIES.*—Section 6007(e) is further amended
18 by redesignating paragraphs (4) and (5) as paragraphs (7)
19 and (8), respectively, and by inserting after paragraph (3)
20 the following:

21 “(4) *VACANCIES.*—A vacancy in the board of di-
22 rectors shall be filled in the manner in which the
23 original appointment was made. Any member ap-
24 pointed to fill a vacancy occurring before the expira-
25 tion of the term for which the member’s predecessor

1 *was appointed shall be appointed only for the re-*
2 *mainder of such term.”.*

3 *(e) POLITICAL PARTIES OF PRESIDENTIAL AP-*
4 *POINTEES.—Section 6007(e) is further amended by insert-*
5 *ing after paragraph (4), as inserted by subsection (d) of*
6 *this section, the following:*

7 *“(5) POLITICAL PARTIES OF PRESIDENTIAL AP-*
8 *POINTEES.—Not more than 3 of the members of the*
9 *board appointed by the President may be of the same*
10 *political party.”.*

11 *(f) DUTIES OF PRESIDENTIAL APPOINTEES.—Section*
12 *6007(e) is further amended by inserting after paragraph*
13 *(5), as inserted by subsection (e) of this section, the follow-*
14 *ing:*

15 *“(6) DUTIES OF PRESIDENTIAL APPOINTEES.—*
16 *In carrying out their duties on the board, members of*
17 *the board appointed by the President shall ensure that*
18 *adequate consideration is given to the national inter-*
19 *est.”.*

20 *(g) REQUIRED NUMBER OF VOTES.—Section*
21 *6007(e)(8), as redesignated by subsection (d) of this section,*
22 *is amended by striking “Seven” and inserting “Nine”.*

1 **SEC. 5. FEDERAL ADVISORY COMMISSION.**

2 (a) *IN GENERAL.*—Section 6007(f) is amended by
3 *striking the subsection designation, heading and paragraph*
4 *(1) and inserting the following:*

5 “(f) *FEDERAL ADVISORY COMMISSION.*—

6 “(1) *COMPOSITION.*—*There is established a Fed-*
7 *eral Advisory Commission of the Airports Authority*
8 *which shall represent the interests of users of the Met-*
9 *ropolitan Washington Airports and shall be composed*
10 *of 9 members appointed by the Secretary of Transpor-*
11 *tation.*”.

12 (b) *REFERENCES TO BOARD OF REVIEW.*—*The Act is*
13 *amended—*

14 (1) *in section 6007(f) by striking “Board of Re-*
15 *view” each place it appears and inserting “Federal*
16 *Advisory Commission”;*

17 (2) *in section 6007(f)(3)—*

18 (A) *in the third sentence by striking*
19 *“Board” each place it appears and inserting*
20 *“Commission”;* and

21 (B) *in the fourth sentence by striking*
22 *“Board” the second place it appears and insert-*
23 *ing “Commission”;*

24 (3) *in the second sentence of section 6007(f)(6),*
25 *as redesignated by section 8(a) of this Act, by striking*
26 *“Board” and inserting “Commission”;*

1 (4) in section 6007(f)(7), as redesignated by sec-
2 tion 8(a) of this Act, by striking “Board” the second
3 place it appears and inserting “Commission”; and

4 (5) in section 6009(b) by striking “Board of Re-
5 view” and inserting “Federal Advisory Commission”.

6 (c) *OTHER CONFORMING AMENDMENTS.*—Section
7 6007(f)(2) is amended—

8 (1) in subparagraph (A)—

9 (A) by striking “paragraphs (1)(A) and
10 (1)(B)” and inserting “paragraph (1)”; and

11 (B) by striking the second sentence; and

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

15 **SEC. 6. REVIEW PROCEDURE.**

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

18 “(A) *SUBMISSION REQUIRED.*—

19 “(i) *IN GENERAL.*—An action of the
20 Airports Authority described in subpara-
21 graph (B) shall be submitted to the Federal
22 Advisory Commission, the Speaker of the
23 House of Representatives, and the President
24 Pro Tempore of the Senate at least 60 days
25 before the action is to become effective.

1 “(i) *URGENT AND COMPELLING CIR-*
2 *CUMSTANCES.—An action submitted to the*
3 *Federal Advisory Commission and Congress*
4 *in accordance with clause (i) may become*
5 *effective before the expiration of the 60-day*
6 *period referred to in clause (i) if the board*
7 *of directors certifies, in writing, to the Sec-*
8 *retary and Congress that urgent and com-*
9 *PELLING circumstances exist that signifi-*
10 *cantly affect the interests of the traveling*
11 *public and will not permit waiting for the*
12 *expiration of such 60-day period.”.*

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

15 “(C) *RECOMMENDATIONS.—The Federal Ad-*
16 *visory Commission may make to the board of di-*
17 *rectors and Congress recommendations regarding*
18 *an action within 30 calendar days of its submis-*
19 *sion under this paragraph. Such recommenda-*
20 *tions may include a recommendation that the ac-*
21 *tion not take effect.”.*

22 (c) *EFFECT OF RECOMMENDATIONS.—*

23 (1) *REPEAL.—Section 6007(f)(4) is amended by*
24 *striking subparagraph (D) and by redesignating sub-*
25 *paragraph (E) as subparagraph (D).*

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

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

6 “(E) *EXPIRATION OF AUTHORITY.—*

7 “(i) *IN GENERAL.—Except as provided*
8 *in clause (ii), the authority of the Airports*
9 *Authority to take any of the actions de-*
10 *scribed in subparagraph (B) shall expire on*
11 *April 30, 1997.*

12 “(ii) *SPECIAL RULE.—If on any day*
13 *after April 29, 1997, all of the members to*
14 *be appointed to the board of directors by the*
15 *President under section 6007(e)(1)(D) are*
16 *serving on the board, the authority of the*
17 *board referred to in clause (i) shall be effec-*
18 *tive beginning on such day and shall expire*
19 *on September 30, 1998.”.*

20 (e) *PROTECTION OF CERTAIN ACTIONS.—Actions taken*
21 *by the Metropolitan Washington Airports Authority and*
22 *submitted to the Board of Review pursuant to section*
23 *6007(f)(4) of the Metropolitan Washington Airports Act of*
24 *1986 before the date of the enactment of this Act shall re-*
25 *main in effect and shall not be set aside solely by reason*

1 of a judicial order invalidating certain functions of the
2 Board of Review.

3 **SEC. 7. CONGRESSIONAL DISAPPROVAL PROCEDURES.**

4 (a) *COMMITTEE REFERRAL.*—Section 6007(f)(5)(C) is
5 amended—

6 (1) by striking “Public Works and Transpor-
7 tation” and inserting “Transportation and Infra-
8 structure”; and

9 (2) by striking “Commerce, Science and Tech-
10 nology” and inserting “Commerce, Science, and
11 Transportation”.

12 (b) *HOUSE PROCEDURE.*—Section 6007(f)(5) is
13 amended—

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

15 (2) by redesignating subparagraphs (G) and (H)
16 as subparagraphs (E) and (F), respectively; and

17 (3) by inserting after subparagraph (C) the fol-
18 lowing:

19 “(D) *HOUSE PROCEDURE.*—When the com-
20 mittee of the House has reported a resolution, it
21 is at any time in order to move that the House
22 resolve into the Committee of the Whole House on
23 the State of the Union for consideration of the
24 resolution. All points of order against the resolu-
25 tion and against consideration of the resolution

1 *are waived. The motion is highly privileged. The*
2 *previous question shall be considered as ordered*
3 *on that motion to its adoption without interven-*
4 *ing motion. A motion to reconsider the vote by*
5 *which the motion is agreed to or disagreed to*
6 *shall not be in order. Debate thereon shall be*
7 *limited to not more than 1 hour, the time to be*
8 *divided in the House equally between a pro-*
9 *ponent and an opponent. During consideration*
10 *of the resolution in the Committee of the Whole,*
11 *the first reading of the resolution shall be dis-*
12 *pensated with. General debate shall proceed with-*
13 *out intervening motion, shall be confined to the*
14 *resolution, and shall not exceed 2 hours equally*
15 *divided and controlled by a proponent and an*
16 *opponent of the resolution. After general debate,*
17 *the Committee shall rise and report the bill to*
18 *the House. The previous question shall be consid-*
19 *ered as ordered on the resolution to final passage*
20 *without intervening motion. A motion to recon-*
21 *sider the vote on passage of the resolution shall*
22 *not be in order.”.*

1 **SEC. 8. OTHER MATTERS RELATING TO FEDERAL ADVISORY**
2 **COMMISSION.**

3 (a) *REQUEST FOR CONSIDERATION OF OTHER MAT-*
4 *TERS; PARTICIPATION IN MEETINGS.*—Section 6007(f) is
5 amended by striking paragraphs (6) and (7) and by redesi-
6 gnating paragraphs (8), (9), (10), and (11) as paragraphs
7 (6), (7), (8), and (9), respectively.

8 (b) *REMOVAL OF FEDERAL ADVISORY COMMISSION*
9 *MEMBERS.*—Section 6007(f)(9), as redesignated by sub-
10 section (a) of this section, is amended by striking “by a
11 two-thirds vote of the board of directors” and inserting “by
12 the Secretary of Transportation”.

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

14 (a) *IN GENERAL.*—Section 6007 is amended by strik-
15 ing subsection (h) and by redesignating subsection (i) as
16 subsection (h).

17 (b) *CONFORMING AMENDMENT.*—Section 6011 is
18 amended by striking “Except as provided in section
19 6007(h), if” and inserting “If”.

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

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

24 “(i) *FEDERAL ADVISORY COMMITTEE ACT.*—The Fed-
25 eral Advisory Committee Act (5 U.S.C. App.) shall not
26 apply to the Federal Advisory Commission.”.

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

2 *The Act is further amended by adding at the end the*
3 *following:*

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

5 *“(a) RESTRICTIONS.—The Airports Authority shall*
6 *continue in effect and enforce paragraphs (1) and (2) of*
7 *section 4.2 of the Metropolitan Washington Airports Regu-*
8 *lations, as in effect on February 1, 1995.*

9 *“(b) ENFORCEMENT.—The district courts of the United*
10 *States shall have jurisdiction to compel the Airports Au-*
11 *thority and its officers and employees to comply with the*
12 *requirements of this section. An action may be brought on*
13 *behalf of the United States by the Attorney General, or by*
14 *any aggrieved party.”.*

15 **SEC. 12. AMENDMENT OF LEASE.**

16 *The Secretary of Transportation shall amend the lease*
17 *entered into with the Metropolitan Washington Airports*
18 *Authority under section 6005(a) of the Metropolitan Wash-*
19 *ington Airports Authority Act of 1986 to secure the Airports*
20 *Authority’s consent to the amendments made to such Act*
21 *by this Act.*

22 **SEC. 13. AVAILABILITY OF SLOTS.**

23 *(a) IN GENERAL.—Section 41714 of title 49, United*
24 *States Code, is amended—*

1 (1) *in subsections (a)(1), (b)(1), and (c)(1) by*
2 *striking “(other than Washington National Airport)”;*
3 *and*

4 (2) *by redesignating subsection (h) as subsection*
5 *(i) and by inserting after subsection (g) the following:*

6 “(h) *LIMITATION ON AUTHORITY TO GRANT EXEMP-*
7 *TIONS.—The Secretary shall not issue an exemption under*
8 *this section to the requirements of subparts K and S of part*
9 *93 of title 14 of the Code of Federal Regulations (pertaining*
10 *to slots at high density airports) if the grant of such exemp-*
11 *tion would adversely affect safety.”.*

12 (b) *CONFORMING AMENDMENT.—Section 6009(e)(1) is*
13 *amended by striking “The Administrator” and inserting*
14 *“Except as provided by section 41714 of title 49, United*
15 *States Code, the Administrator”.*