

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 9.
TRANSPORTATION SYSTEMS.

CHAPTER 10.
METROPOLITAN WASHINGTON AIRPORTS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 10. METROPOLITAN WASHINGTON
AIRPORTS.

TABLE OF CONTENTS

[§ 9-1001. Findings.](#)

[§ 9-1002. Purpose.](#)

[§ 9-1003. Definitions.](#)

[§ 9-1004. Lease of Metropolitan Washington Airports.](#)

[§ 9-1005. Capital improvements, construction, and rehabilitation.](#)

[§ 9-1006. Airports Authority.](#)

[§ 9-1007. Federal employees at the Metropolitan Washington Airports.](#)

[§ 9-1008. Relationship to and effect of other laws.](#)

[§ 9-1009. Authority to negotiate extension of lease.](#)

[§ 9-1010. Separability.](#)

[§ 9-1011. Nonstop flights.](#)

CHAPTER 10. METROPOLITAN WASHINGTON AIRPORTS.

§ 9-1001. FINDINGS.

The Congress finds that:

- (1) The 2 federally owned airports in the metropolitan area of Washington, District of Columbia, constitute an important and growing part of the commerce, transportation, and economic patterns of the Commonwealth of Virginia, the District of Columbia, and the surrounding region;
- (2) Baltimore/Washington International Airport, owned and operated by the State of Maryland, is an air transportation facility that provides service to the greater Metropolitan Washington region together with the 2 federally owned airports, and timely federal-aid grants to Baltimore/Washington International Airport will provide additional capacity to meet the growing air traffic needs and to compete with other airports on a fair basis;
- (3) The federal government has a continuing but limited interest in the operation of the 2 federally owned airports, which serve the travel and cargo needs of the entire Metropolitan Washington region as well as the District of Columbia as the national seat of government;
- (4) Operation of the Metropolitan Washington Airports by an independent local agency will facilitate timely improvements at both airports to meet the growing demand of interstate air transportation occasioned by the Airline Deregulation Act of 1978;
- (5) All other major air carrier airports in the United States are operated by public entities at the state, regional, or local level;
- (6) Any change in status of the 2 airports must take into account the interest of nearby communities, the traveling public, air carriers, general aviation, airport employees, and other interested groups, as well as the interests of the federal government and state governments involved;
- (7) In recognition of a perceived limited need for a federal role in the management of these airports and the growing local interest, the Secretary has recommended a transfer of authority from the federal to the local/state level that is consistent with the management of major airports elsewhere in the Nation;
- (8) An operating authority with representation from local jurisdictions, similar to authorities at all major airports in the United States, will improve communications with local officials and concerned residents regarding noise at the Metropolitan Washington Airports;
- (9) A commission of congressional, state, and local officials and aviation representatives has recommended to the Secretary that transfer of the federally owned airports be as a unit to an independent authority to be created by the Commonwealth of Virginia and the District of Columbia; and
- (10) The federal interest in these airports can be provided through a lease mechanism which provides for local control and operation.

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6002.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1501.

References in Text

The "Airline Deregulation Act of 1978," referred to in paragraph (4), is 92 Stat. 1705, Pub. L. 95-504.

Miscellaneous Notes

Short title: Section 6001 of Pub. L. 99-591 provided that: "This title may be cited as the 'Metropolitan Washington Airports Act of 1986'."

Approval of lease regarding Metropolitan Washington Airports: Pursuant to Resolution 7-36, the "Metropolitan Washington Airports Authority Lease Approval Resolution of 1987," effective April 14, 1987, the Council approved the lease, dated March 2, 1987, between the United States of America and the Metropolitan Washington Airport Authority regarding the Metropolitan Washington Airports.

§ 9-1002. PURPOSE.

(a) It is therefore declared to be the purpose of the Congress in this chapter to authorize the transfer of operating responsibility under long-term lease of the 2 Metropolitan Washington Airport properties as a unit, including access highways and other related facilities, to a properly constituted independent airport authority created by the Commonwealth of Virginia and the District of Columbia, in order to achieve local control, management, operation, and development of these important transaction assets.

(b) Nothing in this chapter shall be construed to prohibit the Airports Authority and the State of Maryland from entering into an agreement whereby Baltimore/Washington International Airport may be made part of a regional airports authority, subject to terms and conditions agreed to by the Airports Authority, the Secretary, the Commonwealth of Virginia, the District of Columbia, and the State of Maryland.

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6003.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1502.

Miscellaneous Notes

Short title: See Historical and Statutory Notes following § 9-1001.

§ 9-1003. DEFINITIONS.

In this chapter:

- (1) The term "Administrator" means the Administrator of the Federal Aviation Administration.
- (2) The term "Airports Authority" means the Metropolitan Washington Airports Authority, a public body to be created by the Commonwealth of Virginia and the District of Columbia consistent with the requirements of § 9-1006.
- (3) The term "employees" means all permanent Federal Aviation Administration personnel employed on the date the lease under § 9-1004 takes effect by the Metropolitan Washington Airports, an organization within the Federal Aviation Administration.
- (4) The term "Metropolitan Washington Airports" means Washington National Airport and Washington Dulles International Airport.
- (5) The term "Secretary" means the Secretary of Transportation.
- (6) The term "Washington Dulles International Airport" means the airport constructed under the Act entitled "An Act to authorize the construction, protection, operation, and maintenance of a public airport on or in the vicinity of the District of Columbia", and includes the Dulles Airport Access Highway and Right-of-way, including the extension between the Interstate Routes I-495 and I-66.
- (7) The term "Washington National Airport" means the airport described in the Act entitled "An Act to provide for the administration of the Washington National Airport, and for other purposes".

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6004.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1503.

References in Text

"An Act to authorize the construction, protection, operation, and maintenance of a public airport on or in the vicinity of the District of Columbia," referred to in paragraph (6), is 64 Stat. 770.

"An Act to provide for the administration of the Washington National Airport, and for other purposes," referred to in paragraph (7), is 54 Stat. 686.

Miscellaneous Notes

Short title: See Historical and Statutory Notes following § 9-1001.

§ 9-1004. LEASE OF METROPOLITAN WASHINGTON AIRPORTS.

(a) The Secretary is authorized to enter into a lease of the Metropolitan Washington Airports with the Airports Authority for a 50-year term and to enter into any related agreement necessary for the transfer of authority and property to the Airports Authority. Authority to enter into a lease and agreement under this section shall lapse 2 years after October 30, 1986.

(b)(1) The lease shall provide for the Airports Authority to pay to the general fund of the Treasury annually an amount, computed using the GNP Price Deflator, to equal \$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.

(2)(A) Not later than 1 year after the lease takes effect, the Airports Authority shall pay to the Treasury of the United States, to be deposited to the credit of the Civil Service Retirement and Disability Fund, an amount determined by the Office of Personnel Management to represent the actual added costs incurred by the Fund due to discontinued service retirement under § 5 U.S.C. § 8336(d)(1), of employees who elect not to transfer to the Airports Authority.

(B) Not later than 1 year after the lease takes effect, the Airports Authority shall pay to the Treasury of the United States, to be deposited to the credit of the Civil Service Retirement and Disability Fund, an amount determined by the Office of Personnel Management to represent the present value of the difference between (i) the future cost of benefits payable from the Fund and due the employees covered under § 9-1007(e) that are attributable to the period of employment following the date the lease takes effect, and (ii) the contributions made by the employees and the Airports Authority under § 9-1007(e). In determining the amount due, the Office of Personnel Management shall take into consideration the actual interest such amount can be expected to earn when invested in the Treasury of the United States.

(c) The Airports Authority shall agree, at a minimum, to the following conditions and requirements in the lease:

(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) The real property constituting the Metropolitan Washington Airports shall, during the period of the lease, be used only for airport purposes. For the purposes of this paragraph, the term "airport purposes" means a use of property interests (other than a sale) for aviation business or activities, or for activities necessary or appropriate to serve passengers or cargo in air commerce, or for nonprofit, public use facilities. If the Secretary determines that any portion of the real property leased to the Airports Authority pursuant to this chapter is used for other than airport purposes, the Secretary shall (A) direct that appropriate measures be taken by the Airports Authority to bring the use of such portion of real property in conformity with airport purposes, and (B) retake possession of such portion of real property if the Airports Authority fails to bring the use of such portion into a conforming use within a reasonable period of time, as determined by the Secretary.

(3) The Airports Authority shall be subject to the requirements of 49 U.S.C. § 2210(a) and the assurances and conditions required of grant recipients under such Act as of the date the lease takes effect. Notwithstanding 49 U.S.C. § 2210(a)(12), all revenues generated by the Metropolitan Washington Airports shall be expended for the capital and operating costs of such airports.

(4) In acquiring by contract supplies or services for an amount estimated to be in excess of \$200,000, or awarding concession contracts, the Airports Authority shall obtain, to the maximum extent practicable, full 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 C.F.R. part 159) shall become regulations of the Airports Authority on the date the lease takes effect and shall remain in effect until modified or revoked by the Airports Authority in accordance with procedures of the Airports Authority.

(B) The following regulations shall cease to be in effect on the date the lease takes effect:

(i) Section 159.59(a) of Title 14, Code of Federal Regulations (relating to new-technology aircraft); and

(ii) Section 159.191 of Title 14, Code of Federal Regulations (relating to violations of Federal Aviation Administration regulations as Federal misdemeanors).

(C) The Airports Authority may not increase or decrease the number of instrument flight rule takeoffs and landings authorized by 14 C.F.R. 93.121 et seq. at Washington National Airport on October 30, 1986 and may not impose a limitation after the date the lease takes effect on the number of passengers taking off or landing at Washington National Airport.

(6)(A) Except as specified in subparagraph (B) of this paragraph, the Airports Authority shall assume all rights, liabilities, and obligations (tangible and incorporeal, present and executory) of the

Metropolitan Washington Airports on the date the lease takes effect, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, and litigation relating to such rights and obligations, regardless whether judgment has been entered, damages awarded, or appeal taken. Before the date the lease takes effect, the Secretary shall also assure that the Airports Authority has agreed to cooperate in allowing representatives of the Attorney General and the Secretary adequate access to employees and records when needed for the performance of functions related to the period before the effectiveness of the lease. 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 before the date the lease takes effect shall continue 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 United States as the owner and operator of the Metropolitan Washington Airports, arising before the date the lease takes effect shall be adjudicated as if the lease had not been entered into.

(C) The Federal Aviation Administration shall remain responsible for reimbursing the Employees' Compensation Fund, pursuant to § 8147 of Title 5, United States Code, for compensation paid or payable after the date the lease takes effect in accordance with Chapter 81 of Title 5, United States Code, with regard to any injury, disability, or death due to events arising before such date, whether or not a claim has been filed or is final on such date.

(D) The Airports Authority shall continue all collective bargaining rights enjoyed before the date the lease takes effect by employees of the Metropolitan Washington Airports.

(7) The Comptroller General of the United States may conduct periodic audits of the activities and transactions of the Airports Authority in accordance with generally accepted management principles, and under such rules and regulations as may be prescribed by the Comptroller General. Any such audit shall be conducted at such place or places as the Comptroller General may deem appropriate. All books, accounts, records, reports, files, papers, and property 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 in order to assure the integrity of all decisions made by its board of directors and employees.

(9) Notwithstanding any other provision of law, no landing fee imposed for operating an aircraft or revenues derived from parking automobiles:

(A) At Washington Dulles International Airport may be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington Dulles International Airport.

(B) At Washington National Airport may 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 not in excess of the landing fee for aircraft weighing 12,500 pounds.

(11) The Secretary shall include such other terms and conditions applicable to the parties to the lease as are consistent with and carry out the provisions of this chapter.

(d) The Secretary shall submit the lease entered into under this section to Congress. The lease may not take effect before the passage of (1) 30 days, or (2) 10 days in which either House of Congress is in session, whichever occurs later.

(e) The district courts of the United States shall have jurisdiction to compel the Airports Authority and its officers and employees to comply with the terms of the lease. An action may be brought on behalf of the United States by the Attorney General, or by any aggrieved party.

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6005.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1504.

Miscellaneous Notes

Amendment of lease: Section 7003 of Pub. L. 102-240, 105 Stat. 2202, December 18, 1991, provided for amendment of the lease with the Metropolitan Washington Airports Authority to secure the Airports Authority's consent to the conditions relating to the new Board of Review to be established under the Act.

Short title: See Historical and Statutory Notes following § 9-1001.

§ 9-1005. CAPITAL IMPROVEMENTS, CONSTRUCTION, AND REHABILITATION.

(a) It is the sense of the Congress that the Airports Authority should:

- (1) Pursue the improvement, construction, and rehabilitation of the facilities at Washington Dulles International Airport and Washington National Airport simultaneously; and
- (2) To the extent practicable, cause the improvement, construction, and rehabilitation proposed by the Secretary to be completed at both of such Airports within 5 years after the earliest date on which the Airports Authority issues bonds under the authority required by § 9-1006 for any such improvement, construction, or rehabilitation.

(b) The Secretary shall assist the 3 airports serving the Washington, D.C. metropolitan area in planning for operational and capital improvements at those airports and shall accelerate consideration of applications for federal financial assistance by whichever of the 3 airports is most in need of increasing airside capacity.

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6006.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1505.

Miscellaneous Notes

Short title: See Historical and Statutory Notes following § 9-1001.

§ 9-1006. AIRPORTS AUTHORITY.

(a) The Airports Authority shall be a public body corporate and politic, having the powers and jurisdiction as are conferred upon it jointly by the legislative authority of the Commonwealth of Virginia and the District of Columbia or by either of the jurisdictions and concurred in by the legislative authority of the other jurisdiction, but at a minimum meeting the requirements of this section.

(b) The Airports Authority shall be:

- (1) Independent of the Commonwealth of Virginia and its local governments, the District of Columbia, and the federal government; and
- (2) A political subdivision constituted solely to operate and improve both Metropolitan Washington Airports as primary airports serving the Metropolitan Washington area.

(c) The Airports Authority shall be authorized:

- (1) To acquire, maintain, improve, operate, protect, and promote the Metropolitan Washington Airports for public purposes;
- (2) To issue bonds from time to time in its discretion for public purposes, including the purposes of paying all or 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, which bonds:
 - (A) Shall not constitute a debt of either jurisdiction or a political subdivision thereof; 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 they are financed in whole or in part from the proceeds of such bonds;
- (3) To acquire real and personal property by purchase, lease, transfer, or exchange, and to exercise such powers of eminent domain within the Commonwealth of Virginia as are conferred upon it by the Commonwealth of Virginia;
- (4) To levy fees or other charges; and
- (5) To make and maintain agreements with employee organizations to the extent that the Federal Aviation Administration is so authorized on October 30, 1986.

(d) The Airports Authority shall be subject to a conflict-of-interest provision providing that 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. Exceptions to requirements of the preceding sentence may be made by the official appointing a member at the time the member is appointed, if the financial interest is fully disclosed and so long as the member does not participate in board decisions that directly affect such interest. The Airports Authority shall include in its code developed under § 9-1004(c)(8) the standards by

which members will determine what constitutes a substantial financial interest and the circumstances under which an exception may be granted.

(e)(1) The Airports Authority shall be governed by a board of directors of 11 members, as follows:

- (A) Five members shall be appointed by the Governor of Virginia;
- (B) Three members shall be appointed by the Mayor of the District of Columbia;
- (C) Two members shall be appointed by the Governor of Maryland; and
- (D) One member shall be appointed by the President with the advice and consent of the Senate.

The Chairman shall be appointed from among the members by majority vote of the members and shall serve until replaced by majority vote of the members.

(2) Members shall (A) not hold elective or appointive political office, (B) serve without compensation other than for reasonable expenses incident to board functions, and (C) reside within the Washington Standard Metropolitan Statistical Areas, except that the member appointed by the President shall not be required to reside in that area.

(3) Members shall be appointed to the board for a term of 6 years, except that of members first appointed:

- (A) By the Governor of Virginia, 2 shall be appointed for 4 years and 2 shall be appointed for 2 years;
- (B) By the Mayor of the District of Columbia, 1 shall be appointed for 4 years and 1 shall be appointed for 2 years; and
- (C) By the Governor of Maryland, 1 shall be appointed for 4 years.

(4) A member of the board appointed by the President shall be subject to removal by the President for cause.

(5) Seven votes shall be required to approve bond issues and the annual budget.

(f)(1) The board of directors shall be subject to review of its actions and to requests, in accordance with this subsection, by a Board of Review of the Airports Authority. Such Board of Review shall be established by the board of directors and shall consist of the following, in their individual capacities, as representatives of users of the Metropolitan Washington Airports:

- (A) Two members of the Public Works and Transportation Committee and 2 members of the Appropriations Committee of the House of Representatives from a list provided by the Speaker of the House;
- (B) Two members of the Commerce, Science, and Transportation Committee and 2 members of the Appropriations Committee of the Senate from a list provided by the President pro tempore of the Senate; and
- (C) One member chosen alternately from members of the House of Representatives and members of the Senate, from a list provided by the Speaker of the House or the President pro tempore of the Senate, respectively. The members of the Board of Review shall elect a chairman. A member of the House of Representatives or the Senate from Maryland or Virginia and the Delegate from the District of Columbia may not serve on the Board of Review.

(2) Members of the Board of Review appointed under subparagraphs (A) and (B) of paragraph (1) of this subsection shall be appointed for terms of 6 years, except that of the members first appointed, 1 member under each of subparagraphs (A) and (B) of paragraph (1) of this subsection shall be appointed for a term of 2 years and 1 member under each of subparagraphs (A) and (B) of paragraph (1) of this subsection shall be appointed for a term of 4 years. Members of the Board of Review appointed under subparagraph (C) of paragraph (1) of this subsection shall be appointed for terms of 2 years. A vacancy in the Board shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term.

(3) The Board of Review shall establish procedures for conducting its business. The procedures may include requirements for a quorum at meetings and for proxy voting. The Board shall meet at least once each year and shall meet at the call of the chairman or 3 members of the Board. Any decision of the Board of Review under paragraph (4) or (5) of this subsection shall be by a vote of 5 members of the Board.

(4)(A) An action of the Airports Authority described in subparagraph (B) of this paragraph shall be submitted to the Board of Review at least 30 days (or at least 60 days in the case of the annual budget) before it is to become effective.

(B) The following are the actions referred to in subparagraph (A) of this paragraph:

- (i) The adoption of an annual budget;

- (ii) The authorization for the issuance of bonds;
- (iii) The adoption, amendment, or repeal of a regulation;
- (iv) The adoption or revision of a master plan, including any proposal for land acquisition; and
- (v) The appointment of the chief executive officer.

(C) If the Board of Review does not disapprove an action within 30 days of its submission under this paragraph, the action may take effect. If the Board of Review disapproves any such action, it shall notify the Airports Authority and shall give reasons for the disapproval.

(D) An action disapproved under this paragraph shall not take effect. Unless an annual budget for a fiscal year has taken effect in accordance with this paragraph, the Airports Authority may not obligate or expend any money in such fiscal year, except for (i) debt service on previously authorized obligations, and (ii) obligations and expenditures for previously authorized capital expenditures and routine operating expenses.

(5) The Board of Review may request the Airports Authority to consider and vote, or to report, on any matter related to the Metropolitan Washington Airports. Upon receipt of such a request the Airports Authority shall consider and vote, or report, on the matter as promptly as feasible.

(6) Members of the Board of Review may participate as nonvoting members in meetings of the board of the Airports Authority.

(7) The Board of Review may hire 2 staff persons to be paid by the Airports Authority. The Airports Authority shall provide such clerical and support staff as the Board may require.

(8) A member of the Board of Review shall not be liable in connection with any claim, action, suit, or proceeding arising from service on the Board.

(g) Any 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.

(h) If the Board of Review established under subsection (f) of this section is unable to carry out its functions under this chapter by reason of a judicial order, the Airports Authority shall have no authority to perform any of the actions that are required by subsection (f)(4) of this section to be submitted to the Board of Review.

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6007.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1506.

Miscellaneous Notes

Limitation on Authority of Airports Authority: Section 7004(c) of Pub. L. 102-240, 105 Stat. 2202, December 18, 1991, limited the authority of the Metropolitan Washington Airports Authority to perform any of the actions required to be submitted to the Board of Review until the Airports Authority establishes a new Board of Review in accordance with this Act.

Short title: See Historical and Statutory Notes following § 9-1001.

§ 9-1007. FEDERAL EMPLOYEES AT THE METROPOLITAN WASHINGTON AIRPORTS.

(a) Not later than the date the lease under § 9-1004 takes effect, the Secretary shall ensure that the Airports Authority has established arrangements to protect the employment interests of employees during the 5-year period beginning on such date. These arrangements shall include provisions:

- (1) Which ensure that the Airports Authority will adopt labor agreements in accordance with the provisions of subsection (b) of this section;
- (2) For the transfer and retention of all employees who agree to transfer to the Airports Authority in their same positions for the 5-year period commencing on the date the lease under § 9-1004 takes effect except in cases of reassignment, separation for cause, resignation, or retirement;
- (3) For the payment by the Airports Authority of basic and premium pay to transferred employees, except in cases of separation for cause, resignation, or retirement, for 5 years commencing on the date the lease takes effect at or above the rates of pay in effect for such employees on such date;
- (4) For credit during the 5-year period commencing on the date the lease takes effect for accrued annual and sick leave and seniority rights which have been accrued during the period of federal employment by transferred employees retained by the Airports Authority; and
- (5) For an offering of not less than 1 life insurance and 3 health insurance programs for transferred

employees retained by the Airports Authority during the 5-year period beginning on the date the lease takes effect which are reasonably comparable with respect to employee premium cost and coverage to the federal health and life insurance programs available to employees on the day before such date.

(b)(1) The Airports Authority shall adopt all labor agreements which are in effect on the date the lease under § 9-1004 takes effect. Such agreements shall continue in effect for the 5-year period commencing on such date, unless the agreement provides for a shorter duration or the parties agree to the contrary before the expiration of that 5-year period. Such agreements shall be renegotiated during the 5-year period, unless the parties agree otherwise. Any labor-management negotiation impasse declared before the date the lease takes effect shall be settled in accordance with Chapter 71 of Title 5, United States Code.

(2) The arrangements made pursuant to this section shall assure, during the 50-year lease term, the continuation of all collective bargaining rights enjoyed by transferred employees retained by the Airports Authority.

(c) Any transferred employee whose employment with the Airports Authority is terminated during the 5-year period beginning on the date the lease under § 9-1004 takes effect shall be entitled, as a condition of any lease entered into in accordance with § 9-1004, to rights and benefits to be provided by the Airports Authority that are similar to those such employee would have had under federal law if termination had occurred immediately before such date.

(d) Any employee who transfers to the Airports Authority under this section shall not be entitled to lump-sum payment for unused annual leave under 5 U.S.C. § 5551, but shall be credited by the Airports Authority with the unused annual leave balance on the date the lease under § 9-1004 takes effect, along with any unused sick leave balance on such date. During the 5-year period beginning on such date, annual and sick leave shall be earned at the same rates permitted on the day before such date, and observed official holidays shall be the same as those specified in 5 U.S.C. § 6103.

(e) Any federal employee who transfers to the Airports Authority and who on the day before the date the lease under § 9-1004 takes effect is subject to subchapter III of Chapter 83 of Title 5, United States Code, or Chapter 84 of such title shall, so long as continually employed by the Airports Authority without a break in service, continue to be subject to such subchapter or chapter, as the case may be. Employment by the Airports Authority without a break in continuity of service shall be considered to be employment by the United States government for purposes of such subchapter and chapter. The Airports Authority shall be the employing agency for purposes of such subchapter and chapter and shall contribute to the Civil Service Retirement and Disability Fund such sums as are required by such subchapter and chapter.

(f) An employee who does not transfer to the Airports Authority and who does not otherwise remain a federal employee shall be entitled to all of the rights and benefits available under federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Airports Authority of work substantially similar to that performed for the federal government.

(g) The Airports Authority shall allow representatives of the Secretary adequate access to employees and employee records of the Airports Authority when needed for the performance of functions related to the period before the date the lease under § 9-1004 takes effect. The Secretary shall provide the Airports Authority access to employee records of transferring employees for appropriate purposes.

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6008.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1507.

Miscellaneous Notes

Short title: See Historical and Statutory Notes following § 9-1001.

§ 9-1008. RELATIONSHIP TO AND EFFECT OF OTHER LAWS.

(a) In order to assure that the Airports Authority has the same proprietary powers and is subject to the same restrictions with respect to federal law as any other airport except as otherwise provided in this chapter, during the period that the lease authorized by § 9-1004 is in effect:

(1) The Metropolitan Washington Airports shall be considered public airports for purposes of 49 U.S.C.App. § 2201 et seq.; and

(2) The Acts entitled "An Act to provide for the administration of the Washington National Airport, and for other purposes", "An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia", and "An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other

purposes" shall not apply to the operation of the Metropolitan Washington Airports, and the Secretary shall be relieved of all responsibility under those Acts.

(b) The Metropolitan Washington Airports and the Airports Authority shall not be subject to the requirements of any law solely by reason of the retention by the United States of the fee simple title to such airports or by reason of the authority of the Board of Review under § 9-1006(f).

(c) The Commonwealth of Virginia shall have concurrent police power authority over the Metropolitan Washington Airports, and the courts of the Commonwealth of Virginia may exercise jurisdiction over Washington National Airport.

(d)(1) The authority of the National Capital Planning Commission under § 5 of the Act of June 6, 1924 (40 U.S.C. § 71d) shall not apply to the Airports Authority.

(2) The Airports Authority shall consult:

(A) With the National Capital Planning 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) With the National Capital Planning Commission before undertaking development that would alter the skyline of Washington National Airport when viewed from the opposing shoreline of the Potomac River or from the George Washington Parkway.

(e)(1) The Administrator may not increase the number of instrument flight rule takeoffs and landings authorized for air carriers by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 30, 1986 and may not decrease the number of such takeoffs and landings except for reasons of safety.

(2) The Federal Aviation Administration air traffic regulation entitled "Modification of Allocation: Washington National Airport" (14 C.F.R. 93.124) shall cease to be in effect on October 30, 1986.

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6009.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1508.

References in Text

"An Act to provide for the administration of the Washington National Airport, and for other purposes," referred to in subsection (a)(2), is 54 Stat. 686.

"An Act to authorize the construction, protection, operation, and maintenance of a public airport in or in the vicinity of the District of Columbia," referred to in subsection (a)(2), is 64 Stat. 770.

"An Act making supplemental appropriations for the support of the government for the fiscal year ending June 30, 1941, and for other purposes," referred to in subsection (a)(2), is 54 Stat. 1030.

Miscellaneous Notes

Short title: See Historical and Statutory Notes following § 9-1001.

§ 9-1009. AUTHORITY TO NEGOTIATE EXTENSION OF LEASE.

The Secretary and the Airports Authority may at any time negotiate an extension of the lease entered into under § 9-1004(a).

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6010.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1509.

Miscellaneous Notes

Short title: See Historical and Statutory Notes following § 9-1001.

§ 9-1010. SEPARABILITY.

Except as provided in § 9-1006(h), if any provision of this chapter or the application thereof to any person or circumstance, is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6011.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1510.

Miscellaneous Notes

Short title: See Historical and Statutory Notes following § 9-1001.

§ 9-1011. NONSTOP FLIGHTS.

An air carrier may not operate an aircraft nonstop in air transportation between Washington National Airport and another airport that is more than 1,250 statute miles away from Washington National Airport.

(Oct. 30, 1986, 100 Stat. 3341-376, Pub. L. 99-591, § 6012.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1511.

Miscellaneous Notes

Short title: See Historical and Statutory Notes following § 9-1001.