

105TH CONGRESS
1ST SESSION

H. R. 670

To amend title 49, United States Code, to permit States to impose fees to finance programs for providing air service to small communities.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1997

Mr. BARRETT of Nebraska introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to permit States to impose fees to finance programs for providing air service to small communities.

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 “Small Community Air
5 Service Act of 1996”.

6 **SEC. 2. SMALL COMMUNITY AIR SERVICE FEES.**

7 (a) IN GENERAL.—Chapter 401 of title 49, United
8 States Code, is amended by adding at the end the follow-
9 ing:

1 **“§ 40121. Small community air service fees**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 may authorize under this section a State to impose a small
4 community air service fee of \$1, \$2, or \$3 on each paying
5 passenger of an air carrier or foreign air carrier boarding
6 an aircraft at an airport in the State to finance a small
7 community air service program of the State.

8 “(b) APPLICATIONS.—

9 “(1) IN GENERAL.—A State must submit to the
10 Secretary an application for authority to impose a
11 small community air service fee. The application
12 shall contain such information and be in such form
13 as the Secretary may require by regulation.

14 “(2) NOTICE AND COMMENT.—After receiving
15 an application, the Secretary shall provide notice
16 and an opportunity to air carriers, foreign air car-
17 riers, and other interested persons to comment on
18 the application. The Secretary shall make a final de-
19 cision on the application not later than 120 days
20 after receiving it.

21 “(c) LIMITATIONS ON APPROVING APPLICATIONS.—
22 The Secretary may approve an application that a State
23 has submitted under subsection (b) only if the Secretary
24 finds, based on the application, that—

1 “(1) the small community air service program
2 of the State meets the requirements of this section;
3 and

4 “(2) the amount of the proposed small commu-
5 nity air service fee will result in revenue (including
6 interest and other returns on the revenue) that is
7 not more than the amount necessary to finance the
8 small community air service program.

9 “(d) LIMITATIONS ON IMPOSING FEES.—

10 “(1) TERMS TO BE PRESCRIBED BY THE SEC-
11 RETARY.—A State may impose a small community
12 air service fee only—

13 “(A) if the Secretary approves an applica-
14 tion that the State has submitted under sub-
15 section (b); and

16 “(B) subject to terms the Secretary may
17 prescribe to carry out the objectives of this sec-
18 tion.

19 “(2) SPECIFIC LIMITATIONS.—A small commu-
20 nity air service fee may not be collected from a pas-
21 senger—

22 “(A) for more than two boardings on a
23 one-way trip or a trip in each direction of a
24 round trip; or

1 “(B) enplaning at an airport if the pas-
 2 senger did not pay for the air transportation
 3 which resulted in such enplanement, including
 4 any case in which the passenger obtained the
 5 ticket for the air transportation with a frequent
 6 flier award coupon without monetary payment.

7 “(e) REQUIREMENTS FOR SMALL COMMUNITY AIR
 8 SERVICE PROGRAM.—

9 “(1) IN GENERAL.—A small community air
 10 service program shall be designed to provide com-
 11 pensation to air carriers for providing air service to
 12 places that would not receive air service without
 13 such compensation. Such compensation may be used
 14 to supplement compensation made available under
 15 subchapter II of chapter 417 of this title.

16 “(2) ELIGIBLE PLACES.—Decisions concerning
 17 individual places eligible for compensation under the
 18 small community air service program of a State and
 19 the level of air service provided to such places shall
 20 be made by the State and shall not be subject to re-
 21 view by the Secretary.

22 “(f) DEFINITIONS.—For the purposes of this section,
 23 the following definitions apply:

24 “(1) AIRPORT.—The term ‘airport’ has the
 25 same meaning given such term by section 47102.

1 “(2) SMALL COMMUNITY AIR SERVICE FEE.—

2 The term ‘small community air service fee’ means a
3 fee imposed under this section.”.

4 (b) AMENDMENT TO TABLE OF SECTIONS.—The
5 table of sections at the beginning of chapter 401 of such
6 title is amended by adding at the end the following new
7 item:

 “40121. Small community air service fees.”.

8 (c) CONFORMING AMENDMENT.—Section 40116(b)
9 of title 49, United States Code, is amended by striking
10 “and section 40117” and inserting “, section 40117, and
11 section 40121”.

12 **SEC. 3. EFFECTIVE DATE.**

13 This Act and the amendments made by this Act shall
14 take effect on the first day of the first fiscal year begin-
15 ning after the date of the enactment of this Act.

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