

108TH CONGRESS
1ST SESSION

H. R. 1944

To revise eligibility requirements applicable to essential air service subsidies.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2003

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

A BILL

To revise eligibility requirements applicable to essential air service subsidies.

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 “Essential Air Service
5 Eligibility Fairness Act of 2003”.

6 **SEC. 2. MEASUREMENT OF HIGHWAY MILEAGE FOR PUR-**
7 **POSES OF DETERMINING ELIGIBILITY FOR**
8 **ESSENTIAL AIR SERVICE SUBSIDIES.**

9 (a) DETERMINATION OF ELIGIBILITY.—Subchapter
10 II of Chapter 417 of title 49, United States Code, is
11 amended by adding at the end the following new section:

1 **“§41745. Distance requirement applicable to eligi-**
2 **bility for essential air service subsidies**

3 “(a) IN GENERAL.—The Secretary shall not provide
4 assistance under this subchapter with respect to a place
5 in the 48 contiguous States that—

6 “(1) is less than 70 highway miles from the
7 nearest hub airport; or

8 “(2) requires a rate of subsidy per passenger in
9 excess of \$200, unless such place is greater than
10 210 highway miles from the nearest hub airport.

11 “(b) DETERMINATION OF MILEAGE.—For purposes
12 of this section, the highway mileage between a place and
13 the nearest hub airport is the highway mileage of the most
14 commonly used route between the place and the hub air-
15 port. In identifying such route, the Secretary shall—

16 “(1) consult with—

17 “(A) the metropolitan planning organiza-
18 tion designated under section 134 of title 23,
19 United States Code, for the metropolitan plan-
20 ning area within which such place is located; or

21 “(B) if no such organization exists, the
22 Governor of the State in which such place is lo-
23 cated, or the Governor’s designee; and

24 “(2) request, and accept as binding if provided
25 within 60 days, the certification of such organization

1 or person as to the most commonly used route and
 2 the corresponding highway mileage.”.

3 (b) CONFORMING AMENDMENT.—The analysis for
 4 subchapter II of chapter 417 of title 49, United States
 5 Code, is amended by inserting after the item relating to
 6 section 41744 the following new item:

“41745. Distance requirement applicable to eligibility for essential air service subsidies.”.

7 **SEC. 3. REPEAL.**

8 The following provisions of law are repealed:

9 (1) Section 332 of the Department of Trans-
 10 portation and Related Agencies Appropriations Act,
 11 2000 (49 U.S.C. 41731 note).

12 (2) Section 205 of the Wendell H. Ford Avia-
 13 tion Investment and Reform Act for the 21st Cen-
 14 tury (49 U.S.C. 41731 note).

15 (3) Section 334 of the Department of Trans-
 16 portation and Related Agencies Appropriations Act,
 17 1999 (section 101(g) of division A of the Omnibus
 18 Consolidated and Emergency Supplemental Appro-
 19 priations Act, 1999) (Public Law 105–277; 112
 20 Stat. 2681–471).

21 **SEC. 4. SECRETARIAL REVIEW.**

22 (a) REQUEST FOR REVIEW.—Any community with
 23 respect to which the Secretary has, between September 30,
 24 1993, and the date of the enactment of this Act, elimi-

1 nated subsidies or terminated subsidy eligibility under sec-
2 tion 332 of the Department of Transportation and Related
3 Agencies Appropriations Act, 2000 (49 U.S.C. 41731
4 note), Section 205 of the Wendell H. Ford Aviation In-
5 vestment and Reform Act for the 21st Century (49 U.S.C.
6 41731 note), or any prior law of similar effect, may re-
7 quest the Secretary to review such action.

8 (b) ELIGIBILITY DETERMINATION.—Not later than
9 60 days after receiving a request under subsection (a), the
10 Secretary shall—

11 (1) determine whether the community would
12 have been subject to such elimination of subsidies or
13 termination of eligibility under the distance require-
14 ment enacted by this Act; and

15 (2) issue a final order with respect to the eligi-
16 bility of such community for essential air service
17 subsidies under subchapter II of chapter 417 of title
18 49, United States Code, as amended by this Act.

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