

108TH CONGRESS
1ST SESSION

S. 975

To revise eligibility requirements applicable to essential air service subsidies.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2003

Mr. SPECTER (for himself and Mr. SANTORUM) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

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”.

1 **SEC. 2. MEASUREMENT OF HIGHWAY MILEAGE FOR PUR-**
 2 **POSES OF DETERMINING ELIGIBILITY FOR**
 3 **ESSENTIAL AIR SERVICE SUBSIDIES.**

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

7 **“§41745. Distance requirement applicable to eligi-**
 8 **bility for essential air service subsidies**

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

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

14 “(2) requires a rate of subsidy per passenger in
 15 excess of \$200, unless such place is greater than
 16 210 highway miles from the nearest hub airport.

17 “(b) DETERMINATION OF MILEAGE.—For purposes
 18 of this section, the highway mileage between a place and
 19 the nearest hub airport is the highway mileage of the most
 20 commonly used route between the place and the hub air-
 21 port. In identifying such route, the Secretary shall—

22 “(1) consult with—

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

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

4 “(2) request, and accept as binding if provided
 5 within 60 days, the certification of such organization
 6 or person as to the most commonly used route and
 7 the corresponding highway mileage.”.

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

 “41745. Distance requirement applicable to eligibility for essential air serv-
 ice subsidies.”.

12 **SEC. 3. REPEAL.**

13 The following provisions of law are repealed:

14 (1) Section 332 of the Department of Trans-
 15 portation and Related Agencies Appropriations Act,
 16 2000 (49 U.S.C. 41731 note).

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

20 (3) Section 334 of the Department of Trans-
 21 portation and Related Agencies Appropriations Act,
 22 1999 (section 101(g) of division A of the Omnibus
 23 Consolidated and Emergency Supplemental Appro-

1 priations Act, 1999) (Public Law 105–277; 112
 2 Stat. 2681–471).

3 **SEC. 4. SECRETARIAL REVIEW.**

4 (a) REQUEST FOR REVIEW.—Any community with
 5 respect to which the Secretary has, between September 30,
 6 1993, and the date of the enactment of this Act, elimi-
 7 nated subsidies or terminated subsidy eligibility under sec-
 8 tion 332 of the Department of Transportation and Related
 9 Agencies Appropriations Act, 2000 (49 U.S.C. 41731
 10 note), Section 205 of the Wendell H. Ford Aviation In-
 11 vestment and Reform Act for the 21st Century (49 U.S.C.
 12 41731 note), or any prior law of similar effect, may re-
 13 quest the Secretary to review such action.

14 (b) ELIGIBILITY DETERMINATION.—Not later than
 15 60 days after receiving a request under subsection (a), the
 16 Secretary shall—

17 (1) determine whether the community would
 18 have been subject to such elimination of subsidies or
 19 termination of eligibility under the distance require-
 20 ment enacted by this Act; and

21 (2) issue a final order with respect to the eligi-
 22 bility of such community for essential air service
 23 subsidies under subchapter II of chapter 417 of title
 24 49, United States Code, as amended by this Act.

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