

111TH CONGRESS
2D SESSION

H. R. 4788

To amend title 49, United States Code, to establish limitations on the approval of cooperative arrangements between 2 or more air carriers or between an air carrier and a foreign air carrier, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2010

Mr. BISHOP of New York (for himself, Mr. MICHAUD, and Mr. McCOTTER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to establish limitations on the approval of cooperative arrangements between 2 or more air carriers or between an air carrier and a foreign air carrier, 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 “Aviation Jobs Out-
5 sourcing Prevention Act”.

1 **SEC. 2. LIMITATIONS ON APPROVAL OF COOPERATIVE AR-**
2 **RANGEMENTS BETWEEN AIR CARRIERS.**

3 (a) FILING.—Section 41309(a) of title 49, United
4 States Code, is amended by inserting after “may file” the
5 following: “, and, with respect to an arrangement de-
6 scribed in subsection (b)(3), shall file,”.

7 (b) APPROVAL.—Section 41309(b) of such title is
8 amended—

9 (1) by striking “or” at the end of paragraph
10 (1)(B);

11 (2) by striking the period at the end of para-
12 graph (2)(B) and inserting “; or”; and

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

14 “(3) or, after periodic review, end approval of, an
15 agreement, request, or modification that provides for or
16 permits the sharing or pooling of revenue or profits be-
17 tween participating carriers earned in covered operations,
18 unless the Secretary finds that each participating air car-
19 rier’s share of the pooled revenue or pooled profits (which-
20 ever share is greater) contributed by covered operations
21 in any measurement period does not exceed 130 percent
22 of the participating air carrier’s share of pooled ASMs in
23 covered operations during the measurement period.”.

24 (c) DEFINITIONS.—Section 41309 of such title is
25 amended by adding at the end the following:

1 “(d) DEFINITIONS.—In subsection (b)(3) and this
2 subsection, the following definitions apply:

3 “(1) COVERED OPERATIONS.—The term ‘cov-
4 ered operations’ means the nonstop carriage of pas-
5 sengers under an agreement, request, or modifica-
6 tion described in subsection (b)(3) between a place
7 in the United States and a place outside the United
8 States.

9 “(2) MEASUREMENT PERIOD.—The term
10 ‘measurement period’ means any period of 12 con-
11 secutive months commencing on or after the first
12 day of the first month of operations under an agree-
13 ment, request, or modification described in sub-
14 section (b)(3) following the Secretary’s approval or
15 reapproval thereof.

16 “(3) PARTICIPATING AIR CARRIER.—The term
17 ‘participating air carrier’ means an air carrier par-
18 ticipating in an agreement, request, or modification
19 described in subsection (b)(3).

20 “(4) PARTICIPATING CARRIERS.—The term
21 ‘participating carriers’ means 2 or more air carriers,
22 or an air carrier and a foreign air carrier, partici-
23 pating in an agreement, request, or modification de-
24 scribed in subsection (b)(3).

1 “(5) POOLED ASMS.—The term ‘pooled ASMs’
2 means the available seat miles operated by the par-
3 ticipating carriers in covered operations that con-
4 tribute to the pooled revenues or profits from such
5 operations in the measurement period.

6 “(6) SHARE OF POOLED ASMS.—The term
7 ‘share of pooled ASMs’ means, with respect to an air
8 carrier during a measurement period, the quotient of
9 the pooled ASMs operated by the air carrier in that
10 period divided by the aggregate of all pooled ASMs
11 operated in that period by the participating car-
12 riers.”.

13 (d) APPLICABILITY.—The amendments made by this
14 section shall apply to agreements, requests, and modifica-
15 tions referred to in section 41309(a) of title 49, United
16 States Code, whether approved before the date of enact-
17 ment of this Act or submitted for approval prior to, on,
18 or after such date of enactment.

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