

Subsecs. (j), (k). Pub. L. 106-181, §231(a)(2), (3), added subsecs. (j) and (k).

1998—Subsecs. (a)(1), (b)(1), (c)(1), (d). Pub. L. 105-154 substituted “Ronald Reagan Washington National Airport” for “Washington National Airport” wherever appearing in text and in subsec. (d) heading.

1997—Subsec. (d)(1). Pub. L. 105-102 substituted “sections 49104(a)(5) and 49111(e) of this title” for “sections 6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986”.

Subsec. (i). Pub. L. 105-66 added subsec. (i).

1996—Subsec. (e)(2). Pub. L. 104-287 substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

RETURN OF WITHDRAWN SLOTS

Pub. L. 106-181, title II, §231(d)(5), Apr. 5, 2000, 114 Stat. 112, provided that: “The Secretary [of Transportation] shall return any slot withdrawn from an air carrier under section 41714(b) of title 49, United States Code, before the date of the enactment of this Act [Apr. 5, 2000], to that carrier on April 30, 2000.”

§ 41715. Phase-out of slot rules at certain airports

(a) **TERMINATION.**—The rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations, shall not apply—

(1) after July 1, 2002, at Chicago O’Hare International Airport; and

(2) after January 1, 2007, at LaGuardia Airport or John F. Kennedy International Airport.

(b) **STATUTORY CONSTRUCTION.**—Nothing in this section and sections 41714 and 41716-41718 shall be construed—

(1) as affecting the Federal Aviation Administration’s authority for safety and the movement of air traffic; and

(2) as affecting any other authority of the Secretary to grant exemptions under section 41714.

(c) **FACTORS TO CONSIDER.**—

(1) **IN GENERAL.**—Before the award of slot exemptions under sections 41714 and 41716-41718, the Secretary of Transportation may consider, among other determining factors, whether the petitioning air carrier’s proposal provides the maximum benefit to the United States economy, including the number of United States jobs created by the air carrier, its suppliers, and related activities. The Secretary should give equal consideration to the consumer benefits associated with the award of such exemptions.

(2) **APPLICABILITY.**—Paragraph (1) does not apply in any case in which the air carrier requesting the slot exemption is proposing to use under the exemption a type of aircraft for which there is not a competing United States manufacturer.

(Added Pub. L. 106-181, title II, §231(b)(2), Apr. 5, 2000, 114 Stat. 108.)

Editorial Notes

PRIOR PROVISIONS

A prior section 41715 was renumbered section 41719 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of this title.

§ 41716. Interim slot rules at New York airports

(a) **EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.**—Subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports) to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between LaGuardia Airport or John F. Kennedy International Airport and a small hub airport or nonhub airport—

(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

(b) **EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.**—Subject to section 41714(i), the Secretary shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from LaGuardia Airport or John F. Kennedy International Airport if the number of slot exemptions granted under this subsection to such air carrier with respect to such airport when added to the slots and slot exemptions held by such air carrier with respect to such airport does not exceed 20; except that the Secretary may grant not to exceed 4 additional slot exemptions at LaGuardia Airport to an incumbent air carrier operating at least 20 but not more than 28 slots at such airport as of October 1, 2004, to provide air transportation between LaGuardia Airport and a small hub airport or nonhub airport.

(c) **STAGE 3 AIRCRAFT REQUIRED.**—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

(d) **PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.**—An air carrier that provides air transportation of passengers from LaGuardia Airport or John F. Kennedy International Airport to a small hub airport or