

2017—Subsec. (e)(2). Pub. L. 115–63 inserted “and \$4,986,301 for the period beginning on October 1, 2017, and ending on March 31, 2018,” after “fiscal years 2012 through 2017”.

2016—Subsec. (e)(2). Pub. L. 114–190 substituted “2017” for “2015”.

2012—Subsec. (c)(5)(F). Pub. L. 112–95, § 429(a), added subpar. (F).

Subsec. (e)(2). Pub. L. 112–95, § 429(b), amended par. (2) generally. Prior to amendment, par. (2) provided for authorization of appropriations for fiscal years 2001 through 2011 and for the portion of fiscal year 2012 ending before Feb. 18, 2012.

Pub. L. 112–91 substituted “and \$2,295,082 for the portion of fiscal year 2012 ending before February 18, 2012,” for “and \$2,016,393 for the portion of fiscal year 2012 ending before February 1, 2012,”.

2011—Subsec. (e)(2). Pub. L. 112–30 substituted “\$35,000,000 for each of fiscal years 2004 through 2011, and \$2,016,393 for the portion of fiscal year 2012 ending before February 1, 2012,” for “and \$35,000,000 for each of fiscal years 2004 through 2011”.

2010—Subsec. (e)(2). Pub. L. 111–249 substituted “2011” for “2010”.

2009—Subsec. (e)(2). Pub. L. 111–69 substituted “2010” for “2009”.

2008—Subsec. (e)(2). Pub. L. 110–330 substituted “2009” for “2008”.

2003—Subsec. (a). Pub. L. 108–176, § 412(1), (2), struck out “PILOT” before “PROGRAM” in heading and “pilot” before “program” in text.

Subsec. (c)(1). Pub. L. 108–176, § 225(b)(3)(A), struck out “(as that term is defined in section 41731(a)(5))” after “small hub airport” in introductory provisions.

Subsec. (c)(3). Pub. L. 108–176, § 412(3)(A), added par. (3) and struck out heading and text of former par. (3). Text read as follows: “No more than four communities or consortia of communities, or a combination thereof, may be located in the same State.”

Subsec. (c)(4). Pub. L. 108–176, § 412(3)(B), inserted at end “No community, consortia of communities, nor combination thereof may participate in the program in support of the same project more than once, but any community, consortia of communities, or combination thereof may apply, subsequent to such participation, to participate in the program in support of a different project.”

Pub. L. 108–11 inserted before period at end “in each year for which funds are appropriated for the program”.

Subsec. (c)(5)(E). Pub. L. 108–176, § 412(3)(C), added subpar. (E).

Subsec. (e)(2). Pub. L. 108–176, § 412(4), substituted “fiscal year 2001,” for “fiscal year 2001 and” and inserted “, and \$35,000,000 for each of fiscal years 2004 through 2008” after “2003”.

Subsec. (f). Pub. L. 108–176, §§ 225(b)(3)(B), 412(5), struck out “pilot” after “Under the” and “(as defined in section 41731(a)(3))” after “large hub airports”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111–249 effective Oct. 1, 2010, see section 5(l) of Pub. L. 111–249, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–330 effective Oct. 1, 2008, see section 5(l) of Pub. L. 110–330, set out as a note under section 40117 of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as a note under section 106 of this title.

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.

§ 41744. Repealed. Pub. L. 118–63, title V, § 561(j), May 16, 2024, 138 Stat. 1216]

Section, added Pub. L. 106–181, title II, § 204(a), Apr. 5, 2000, 114 Stat. 93; amended Pub. L. 108–176, title II, § 225(b)(4), Dec. 12, 2003, 117 Stat. 2529, related to preservation of basic essential air service at single carrier dominated hub airports.

§ 41745. Community and regional choice programs

(a) ALTERNATE ESSENTIAL AIR SERVICE PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

(2) ASSISTANCE TO ELIGIBLE PLACES.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may provide assistance directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

(3) USE OF ASSISTANCE.—A unit of local government or State receiving assistance for an eligible place under the program may use the assistance for any of the following purposes:

(A) To provide assistance to air carriers that will use smaller equipment to provide the service and to consider increasing the frequency of service using such smaller equipment if the Secretary determines that passenger safety would not be compromised by the use of such smaller equipment and if the State or unit of local government waives the minimum service requirements under section 41732(b).

(B) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

(C) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

(D) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible places in that region at an airport or other transportation center that can serve all the eligible places in that region.

(E) To pay for other transportation or related services that the Secretary may permit.

(b) APPLICATIONS.—

(1) IN GENERAL.—An entity seeking to participate in a program under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

(2) REQUIRED INFORMATION.—At a minimum, the application shall include—

(A) a statement of the amount of compensation or assistance required; and

(B) a description of how the compensation or assistance will be used.

(c) PARTICIPATION REQUIREMENTS.—An eligible place for which compensation or assistance is

provided under this section in a fiscal year shall not be eligible in that fiscal year for the essential air service that it would otherwise be entitled to under this subchapter.

(d) **SUBSEQUENT PARTICIPATION.**—A unit of local government participating in the program under this subsection (a) in a fiscal year shall not be prohibited from participating in the basic essential air service program under this subchapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

(e) **FUNDING.**—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.

(Added Pub. L. 108-176, title IV, §405, Dec. 12, 2003, 117 Stat. 2544; amended Pub. L. 118-63, title V, §561(k), May 16, 2024, 138 Stat. 1216.)

Editorial Notes

AMENDMENTS

2024—Subsec. (a)(3)(E), (F). Pub. L. 118-63, §561(k)(1), redesignated subpar. (F) as (E) and struck out former subpar. (E) which read as follows: “To purchase aircraft to provide transportation to and from the eligible place or to purchase a fractional share in an aircraft to provide such transportation after the effective date of a rule the Secretary issues relating to fractional ownership.”

Subsecs. (b) to (g). Pub. L. 118-63, §561(k)(2), (3), redesignated subsecs. (d) to (g) as (b) to (e), respectively, and struck out former subsecs. (b) and (c) which related to community flexibility pilot program and fractionally owned aircraft, respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

§ 41746. Tracking service

The Secretary of Transportation shall require a carrier that provides essential air service to an eligible place and that receives compensation for such service under this subchapter to report not less than semiannually—

(1) the percentage of flights to and from the place that arrive on time as defined by the Secretary; and

(2) such other information as the Secretary considers necessary to evaluate service provided to passengers traveling to and from such place.

(Added Pub. L. 108-176, title IV, §407, Dec. 12, 2003, 117 Stat. 2545.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

[§ 41747. Repealed. Pub. L. 112-95, title IV, § 430, Feb. 14, 2012, 126 Stat. 100]

Section, added Pub. L. 108-176, title IV, §408(a), Dec. 12, 2003, 117 Stat. 2546, related to the EAS local participation program.

[§ 41748. Repealed. Pub. L. 118-63, title V, § 561(l), May 16, 2024, 138 Stat. 1217]

Section, added Pub. L. 108-176, title IV, §410(b), Dec. 12, 2003, 117 Stat. 2548, established a marketing incentive program for eligible places that received subsidized service by an air carrier under section 41733.

Another section 410(b) of Pub. L. 108-176 amended the table of sections at the beginning of this chapter.

SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

§ 41761. Purpose

The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

(Added Pub. L. 106-181, title II, §210(a), Apr. 5, 2000, 114 Stat. 96.)

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.

§ 41762. Definitions

In this subchapter, the following definitions apply:

(1) **AIR CARRIER.**—The term “air carrier” means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

(2) **AIRCRAFT PURCHASE.**—The term “aircraft purchase” means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

(3) **CAPITAL RESERVE SUBSIDY AMOUNT.**—The term “capital reserve subsidy amount” means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on Government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(4) **COMMUTER AIR CARRIER.**—The term “commuter air carrier” means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

(5) **FEDERAL CREDIT INSTRUMENT.**—The term “Federal credit instrument” means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

(6) **FINANCIAL OBLIGATION.**—The term “financial obligation” means any note, bond, debenture,