

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,