

104TH CONGRESS
2D SESSION

H. R. 3037

To amend title 49, United States Code, to provide funding for the essential air service program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1996

Mr. POMEROY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to provide funding for the essential air service program, 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Rural Air Service Survival Act”.

6 (b) FINDINGS.—Congress finds that—

7 (1) air service in rural areas is essential to a
8 national transportation network;

9 (2) the rural air service infrastructure supports
10 the safe operation of all air travel;

1 (3) rural air service creates economic benefits
2 for all air carriers by making the national aviation
3 system available to passengers from rural areas;

4 (4) rural air service has suffered since deregulation;
5

6 (5) the essential air service program under the
7 Department of Transportation—

8 (A) provides essential airline access to
9 rural and isolated rural communities throughout the Nation;
10

11 (B) is necessary for the economic growth
12 and development of rural communities;

13 (C) is a critical component of the national
14 transportation system of the United States; and

15 (D) has endured serious funding cuts in
16 recent years; and

17 (6) a reliable source of funding must be established to maintain air service in rural areas and the
18 essential air service program.
19

20 **SEC. 2. FEES TO FINANCE ESSENTIAL AIR SERVICE PROGRAM.**
21

22 (a) IN GENERAL.—Chapter 401 of title 49, United
23 States Code, is amended by adding at the end the following:
24

1 **“§40121. Fees to finance essential air service pro-**
2 **gram**

3 “(a) ESTABLISHMENT OF FEES.—

4 “(1) IN GENERAL.—Not later than 6 months
5 after the effective date of this section, the Federal
6 Aviation Administration shall establish and begin
7 collecting fees for the following services provided by
8 the Federal Aviation Administration:

9 “(A) Services (other than air traffic con-
10 trol services) provided to a foreign government.

11 “(B) Air traffic control services for flights
12 over the United States or its territories by air
13 carriers that neither arrive at nor depart from
14 a United States airport (other than such flights
15 by foreign government aircraft engaged in offi-
16 cial business).

17 “(2) CONSIDERATIONS.—In establishing fees
18 under paragraph (1), the Administration shall con-
19 sider the fair value, or cost, of the service provided
20 by the Administration.

21 “(3) DEPOSIT OF PROCEEDS.—The Administra-
22 tion shall deposit all proceeds from fees collected
23 under paragraph (1) in the account established by
24 subsection (b)(1).

25 “(b) ACCOUNT IN THE TREASURY.—

1 “(1) ESTABLISHMENT.—There is established in
2 the Treasury of the United States a separate ac-
3 count which shall consist of amounts deposited into
4 the account by the Administration under subsection
5 (a)(3).

6 “(2) AVAILABILITY OF AMOUNTS.—

7 “(A) IN GENERAL.—Funds in the account
8 established by paragraph (1) shall be available
9 to the Administration to pay compensation to
10 air carriers under the essential air service pro-
11 gram established by subchapter II of chapter
12 417 of this title.

13 “(B) UNOBLIGATED FUNDS.—Any unobli-
14 gated funds remaining in the account at the
15 end of a fiscal year shall be available to the Ad-
16 ministration for safety-related projects at air-
17 ports for which essential air service is provided
18 under subchapter II of chapter 417 of this title.
19 Such projects shall be subject to the require-
20 ments of subchapter I of chapter 471 of this
21 title.

22 “(3) REPORTING OF TRANSACTIONS.—For each
23 fiscal year, the Administration shall transmit to
24 Congress a report on the receipts, obligations, and

1 expenditures of funds in the account established by
2 paragraph (1).”.

3 (b) CONFORMING AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended by add-
5 ing at the end the following new item:

“40121. Fees to finance essential air service program.”.

6 **SEC. 3. MODIFICATIONS TO ESSENTIAL AIR SERVICE PRO-**
7 **GRAM.**

8 (a) ADMINISTRATION BY FAA.—Subchapter II of
9 chapter 417 of title 49, United States Code, is amended—

10 (1) by striking “Secretary of Transportation”
11 each place it appears (other than section 41733(a))
12 and inserting “Federal Aviation Administration”;

13 (2) by striking “Secretary” each place it ap-
14 pears (other than section 41733(a)) and inserting
15 “Administration”;

16 (3) by striking “Administrator of the Federal
17 Aviation” each place it appears; and

18 (4) in section 41733(b)(1), as amended by
19 paragraph (2) of this subsection, by inserting “Fed-
20 eral Aviation” before “Administration” the first
21 place it appears.

22 (b) MATCHING FUNDS.—Section 41737 of title 49,
23 United States Code, is amended by adding at the end the
24 following:

1 “(f) MATCHING FUNDS.—No earlier than 2 years
2 after the effective date of this subsection, the Administra-
3 tion may require a public agency that controls a commer-
4 cial service airport (as defined by section 47102(7) of this
5 title) to provide matching funds for compensation provided
6 under this subchapter for basic essential air service to the
7 airport in an amount not to exceed 10 percent of the
8 amount of the compensation.”.

9 (c) ELIMINATION OF SUNSET.—Subchapter II of
10 chapter 417 of title 49, United States Code, is amended—

11 (1) by striking section 41742; and

12 (2) by striking the item relating to section
13 41742 in the analysis of such subchapter.

14 **SEC. 4. EFFECTIVE DATE.**

15 This Act and the amendments made by this Act shall
16 take effect on the first day of the first fiscal year begin-
17 ning after the date of the enactment of this Act.

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