

108TH CONGRESS  
1ST SESSION

# H. R. 2077

To amend title 49, United States Code, to enhance essential air service.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2003

Mr. MORAN of Kansas (for himself, Mr. REHBERG, Mr. BOOZMAN, Mr. SHUSTER, Mr. JOHNSON of Illinois, Mr. UDALL of New Mexico, Mr. PETERSON of Pennsylvania, Mr. MICHAUD, and Mr. PEARCE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to enhance essential air service.

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 “Essential Air Service  
5 Modernization Act of 2003”.

6 **SEC. 2. AUTHORIZATION.**

7 Section 41742(a)(2) is amended by striking  
8 “\$15,000,000” and inserting “\$75,000,000”.

1 **SEC. 3. TERMINATION NOTICE.**

2 Section 41733 of title 49, United States Code, is  
3 amended by adding at the end the following—

4 “(f) TERMINATION NOTICE.—If the Secretary de-  
5 cides to terminate basic essential service to an eligible  
6 place, the Secretary shall notify the affected community  
7 not less than 90 days before such service is to be termi-  
8 nated.”.

9 **SEC. 4. JOINT PROPOSALS.**

10 (a) IN GENERAL.—Section 41740 of title 49, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing: “The Secretary shall facilitate and assist in estab-  
13 lishing negotiations between major and national air car-  
14 riers and air carriers that provide essential air service to  
15 an eligible place in order to determine equitable joint  
16 fares.”.

17 (b) REPORT.—Not later than 12 months after enact-  
18 ment of this Act, the Secretary shall transmit a report  
19 to Congress regarding the progress and effectiveness of  
20 implementation of the amendment made by subsection (a).

21 **SEC. 5. COMMUNITY AND REGIONAL CHOICE PROGRAM.**

22 (a) IN GENERAL.—Subchapter II of chapter 417 of  
23 title 49, United States Code, is amended by adding at the  
24 end the following:

1 **“§ 41745. Community and regional choice program**

2 “(a) ESTABLISHMENT.—The Secretary of Transpor-  
3 tation shall establish an alternate essential air service pro-  
4 gram in accordance with the requirements of this section.

5 “(b) COMPENSATION TO ELIGIBLE PLACES.—In car-  
6 rying out the program, the Secretary, instead of paying  
7 compensation to an air carrier to provide essential air  
8 service to an eligible place, may pay compensation directly  
9 to a unit of local government having jurisdiction over the  
10 eligible place or a State within the boundaries of which  
11 the eligible place is located.

12 “(c) USE OF COMPENSATION.—A unit of local gov-  
13 ernment or State receiving compensation for an eligible  
14 place under the program shall use the compensation for  
15 any of the following purposes:

16 “(1) To provide assistance to an air carrier to  
17 provide scheduled air service to and from the eligible  
18 place, without being subject to the requirements of  
19 41732(b).

20 “(2) To provide assistance to a person to pro-  
21 vide scheduled or on-demand air taxi service to and  
22 from the eligible place and a non-hub or a small,  
23 medium, or large hub.

24 “(3) To provide assistance to a person to pro-  
25 vide scheduled or on-demand surface transportation

1 to and from the eligible place and a non-hub or a  
2 small, medium, or large hub.

3 “(4) In combination with other units of local  
4 government in the same region, to provide transpor-  
5 tation services to and from all the eligible places in  
6 that region at an airport or other transportation  
7 center that can serve all the eligible places in that  
8 region.

9 “(d) APPLICATIONS.—

10 “(1) IN GENERAL.—A unit of local government  
11 or State seeking to participate in the program for an  
12 eligible place shall submit to the Secretary an appli-  
13 cation in such form and containing such information  
14 as the Secretary may require.

15 “(2) REQUIRED INFORMATION.—At a min-  
16 imum, the application shall include—

17 “(A) a statement of the amount of com-  
18 pensation required; and

19 “(B) a description of how the compensa-  
20 tion will be used.

21 “(e) PARTICIPATION REQUIREMENTS.—An eligible  
22 place for which compensation is received under the pro-  
23 gram in a fiscal year shall not be eligible to receive in  
24 that fiscal year the essential air service that it would oth-  
25 erwise be entitled to under this subchapter.

1       “(f) SUBSEQUENT PARTICIPATION.—A unit of local  
2 government participating in the program under this sec-  
3 tion in a fiscal year shall not be prohibited from partici-  
4 pating in the basic essential air service program under this  
5 chapter in a subsequent fiscal year if such unit is other-  
6 wise eligible to participate in such basic program.

7       “(g) FUNDING.—Amounts appropriated or otherwise  
8 made available to carry out the essential air service pro-  
9 gram under this subchapter shall be available to carry out  
10 this section.

11       **“§ 41746. Compensation for units of local government**

12       “Of the amounts made available under section  
13 41742(a) the Secretary shall pay directly to a unit of local  
14 government having jurisdiction over the eligible place not  
15 less than \$5,000 for such fiscal year to promote public  
16 use of the air service or transportation for which com-  
17 pensation is being paid.”.

18       (b) CONFORMING AMENDMENT.—The analysis for  
19 such chapter is amended by inserting after the item relat-  
20 ing to section 41744 the following:

“41745. Community and regional choice program.

“41746. Compensation for units of local government.”.

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