

106TH CONGRESS
1ST SESSION

H. R. 1738

To amend title 49, United States Code, to provide slot exemptions for nonstop regional jet service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1999

Mr. WAMP 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 slot exemptions for nonstop regional jet service, 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. SLOT EXEMPTIONS FOR NONSTOP REGIONAL**
4 **JET SERVICE.**

5 (a) IN GENERAL.—Subchapter I of chapter 417 of
6 title 49, United States Code, is amended by adding at the
7 end the following:

1 **“§ 41717. Slot exemptions for nonstop regional jet**
2 **service**

3 “(a) IN GENERAL.—Within 90 days after receiving
4 a joint application from an air carrier and a community
5 primarily served by a small hub airport or a nonhub air-
6 port (as such terms are defined in section 41731(a)) for
7 an exemption to provide nonstop regional jet air service
8 between—

9 “(1) the small hub airport or nonhub airport;
10 and

11 “(2) a high density airport (as such term is de-
12 fined in section 41715), the Secretary of Transpor-
13 tation shall grant the exemption.

14 “(b) APPLICATION MAY BE DENIED FOR SAFETY OR
15 ENVIRONMENTAL REASONS.—Notwithstanding subsection
16 (a), the Secretary shall not grant an exemption requested
17 under subsection (a) if—

18 “(1) granting the exemption would not be in ac-
19 cordance with established principles of safety; or

20 “(2) the exemption would violate the National
21 Environmental Policy Act of 1969 (42 U.S.C. 4331
22 et seq.).

23 “(c) CONDITIONS.—The Secretary may grant an ex-
24 emption to an air carrier under subsection (a)—

25 “(1) for a period of not less than 12 months;

1 “(2) for a minimum of 2 daily roundtrip flights;
2 and

3 “(3) for a maximum of 4 daily roundtrip
4 flights.

5 “(d) FORFEITURE FOR MISUSE.—Any exemption
6 granted under subsection (a) shall be terminated imme-
7 diately by the Secretary if the air carrier to which it was
8 granted uses the slot for any purpose other than the pur-
9 pose for which it was granted or in violation of the condi-
10 tions under which it was granted.

11 “(e) PRIORITY TO NEW ENTRANTS AND LIMITED IN-
12 CUMBENT CARRIERS.—

13 “(1) IN GENERAL.—In granting slot exemptions
14 under this section the Secretary shall give priority
15 consideration to an application from an air carrier
16 that, as of July 1, 1998, operated or held fewer than
17 20 slots or slot exemptions at the high density air-
18 port for which it filed an exemption application.

19 “(2) LIMITATION.—No priority may be given
20 under paragraph (1) to an air carrier that, at the
21 time of application, operates or holds 20 or more
22 slots and slot exemptions at the airport for which
23 the exemption application is filed.

24 “(3) AFFILIATED CARRIERS.—The Secretary
25 shall treat all commuter air carriers that have coop-

1 erative agreements including code-share agreements,
2 with other air carriers equally for determining eligi-
3 bility for exemptions under this section regardless of
4 the form of the corporate relationship between the
5 commuter air carrier and the other air carrier.

6 “(f) STAGE 3 AIRCRAFT REQUIRED.—An exemption
7 may not be granted under this section with respect to any
8 aircraft that is not a Stage 3 aircraft (as defined by the
9 Secretary).

10 “(g) REGIONAL JET DEFINED.—In this section, the
11 term ‘regional jet’ means a passenger, turbofan-powered
12 aircraft carrying not fewer than 30 and not more than
13 50 passengers.

14 “(h) PREEMPTION.—If the provisions of this section
15 conflict with any other provision of law or regulation pre-
16 scribed thereunder which a limitation is imposed on the
17 number of slots available at any airport, then the provi-
18 sions of this section shall take precedence.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) LIMITED INCUMBENT AIR CARRIER DE-
21 FINED.—Section 40102 of title 49, United States
22 Code, is amended by inserting after paragraph (28)
23 the following:

24 “(28A) LIMITED INCUMBENT AIR CARRIER.—

25 The term ‘limited incumbent air carrier’ has the

1 meaning given that term in subpart S of part 93 of
2 title 14, Code of Federal Regulations; except that
3 ‘20’ shall be substituted for ‘12’ in sections
4 93.213(a)(5), 93.223(c)(32), and 93.226(h) as such
5 sections were in effect on August 1, 1998.”.

6 (2) CHAPTER ANALYSIS.—The analysis for
7 chapter 417 of such title is amended by inserting
8 after the item relating to section 41716 the fol-
9 lowing:

“41717. Slot exemptions for nonstop regional jet services.”.

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