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**AMENDMENT TO H.R. 2115, AS REPORTED
OFFERED BY MR. PITTS OF PENNSYLVANIA**

Page 82, before line 11, insert the following:

1 (g) MEASUREMENT OF HIGHWAY MILEAGE FOR
2 PURPOSES OF DETERMINING ELIGIBILITY FOR ESSEN-
3 TIAL AIR SERVICE SUBSIDIES.—

4 (1) DETERMINATION OF ELIGIBILITY.—Sub-
5 chapter II of Chapter 417 of title 49, United States
6 Code, (as amended by subsection (f) of this bill) is
7 further amended by adding at the end the following
8 new section:

9 **“§ 41746. Distance requirement applicable to eligi-
10 bility for essential air service subsidies**

11 “(a) IN GENERAL.—The Secretary shall not provide
12 assistance under this subchapter with respect to a place
13 in the 48 contiguous States that—

14 “(1) is less than 70 highway miles from the
15 nearest hub airport; or

16 “(2) requires a rate of subsidy per passenger in
17 excess of \$200, unless such place is greater than
18 210 highway miles from the nearest hub airport.

19 “(b) DETERMINATION OF MILEAGE.—For purposes
20 of this section, the highway mileage between a place and
21 the nearest hub airport is the highway mileage of the most



1 commonly used route between the place and the hub air-
2 port. In identifying such route, the Secretary shall—

3 “(1) promulgate by regulation a standard for
4 calculating the mileage between an eligible place and
5 a hub airport; and

6 “(2) identify the most commonly used route for
7 a community by—

8 “(A) consulting with the Governor of a
9 State or the Governor’s designee; and

10 “(B) considering the certification of the
11 Governor of a State or the Governor’s designee
12 as to the most commonly used route.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 subchapter II of chapter 417 of title 49, United States
15 Code, (as amended by subsection (f) of this bill) is further
16 amended by inserting after the item relating to section
17 41745 the following new item:

“41746. Distance requirement applicable to eligibility for essential air serv-
ice subsidies.”.

18 (h) REPEAL.—The following provisions of law are re-
19 pealed:

20 (1) Section 332 of the Department of Trans-
21 portation and Related Agencies Appropriations Act,
22 2000 (49 U.S.C. 41731 note).



1 (2) Section 205 of the Wendell H. Ford Avia-
2 tion Investment and Reform Act for the 21st Cen-
3 tury (49 U.S.C. 41731 note).

4 (3) Section 334 of the Department of Trans-
5 portation and Related Agencies Appropriations Act,
6 1999 (section 101(g) of division A of the Omnibus
7 Consolidated and Emergency Supplemental Appro-
8 priations Act, 1999) (Public Law 105-277; 112
9 Stat. 2681-471).

10 (i) SECRETARIAL REVIEW.—

11 (1) REQUEST FOR REVIEW.—Any community
12 with respect to which the Secretary has, between
13 September 30, 1993, and the date of the enactment
14 of this Act, eliminated subsidies or terminated sub-
15 sidy eligibility under section 332 of the Department
16 of Transportation and Related Agencies Appropria-
17 tions Act, 2000 (49 U.S.C. 41731 note), Section
18 205 of the Wendell H. Ford Aviation Investment
19 and Reform Act for the 21st Century (49 U.S.C.
20 41731 note), or any prior law of similar effect, may
21 request the Secretary to review such action.

22 (2) ELIGIBILITY DETERMINATION.—Not later
23 than 60 days after receiving a request under sub-
24 section (i), the Secretary shall—

1 (A) determine whether the community
2 would have been subject to such elimination of
3 subsidies or termination of eligibility under the
4 distance requirement enacted by the amend-
5 ment made by subsection (g) of this bill to sub-
6 chapter II of chapter 417 of title 49, United
7 States Code; and

8 (B) issue a final order with respect to the
9 eligibility of such community for essential air
10 service subsidies under subchapter II of chapter
11 417 of title 49, United States Code, as amend-
12 ed by this Act.

