

Union Calendar No. 395

109TH CONGRESS
2^D SESSION

H. R. 5830

[Report No. 109-600, Parts I and II]

To amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2006

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. MICA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARCHANT, Ms. GRANGER, Mr. BARTON of Texas, Mr. BURGESS, Mr. EDWARDS, Mr. GOHMERT, Mr. HALL, Mr. SAM JOHNSON of Texas, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JULY 26, 2006

Reported and referred to the Committee on the Judiciary for a period ending not later than September 15, 2006, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(l), rule X

SEPTEMBER 15, 2006

Additional sponsors: Mr. POE, Mr. CULBERSON, Mr. PAUL, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. HINOJOSA, Mr. PASTOR, Ms. ZOE LOFGREN of California, and Mr. TIBERI

SEPTEMBER 15, 2006

Reported from the Committee on the Judiciary with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas.

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 “*Wright Amendment*
5 *Reform Act*”.

6 **SEC. 2. MODIFICATION OF PROVISIONS REGARDING**
7 **FLIGHTS TO AND FROM LOVE FIELD, TEXAS.**

8 (a) **EXPANDED SERVICE.**—Section 29(e) of the Inter-
9 national Air Transportation Competition Act of 1979
10 (Public Law 96–192; 94 Stat. 35) is amended by striking
11 “carrier, if (1)” and all that follows and inserting the fol-
12 lowing: “carrier. Air carriers and, with regard to foreign
13 air transportation, foreign air carriers, may offer for sale
14 and provide through service and ticketing to or from Love
15 Field, Texas, and any United States or foreign destination
16 through any point within Texas, New Mexico, Oklahoma,
17 Kansas, Arkansas, Louisiana, Mississippi, Missouri, and
18 Alabama.”.

1 (b) REPEAL.—Section 29 of the International Air
2 Transportation Competition Act of 1979 (94 Stat. 35), as
3 amended by subsection (a), is repealed on the date that
4 is 8 years after the date of enactment of this Act.

5 **SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP**
6 **FLIGHTS TO AND FROM LOVE FIELD, TEXAS.**

7 No person shall provide, or offer to provide, air trans-
8 portation of passengers for compensation or hire between
9 Love Field, Texas, and any point or points outside the
10 50 States or the District of Columbia on a nonstop basis,
11 and no official or employee of the Federal Government
12 may take any action to make or designate Love Field as
13 an initial point of entry into the United States or a last
14 point of departure from the United States.

15 **SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.**

16 (a) IN GENERAL.—Charter flights (as defined in sec-
17 tion 212.2 of title 14, Code of Federal Regulations) at
18 Love Field, Texas, shall be limited to—

19 (1) destinations within the 50 States and the
20 District of Columbia, and

21 (2) no more than 10 per month per air carrier
22 for charter flights beyond the States of Texas, New
23 Mexico, Oklahoma, Kansas, Arkansas, Louisiana,
24 Mississippi, Missouri, and Alabama.

1 (b) CARRIERS WHO LEASE GATES.—Except for any
 2 flights operated by any agency of the Federal Government
 3 or by any air carrier under contract with any agency of
 4 the Federal Government and except in irregular oper-
 5 ations described in the agreement referred to in section
 6 5(a), all flights operated to or from Love Field by air ear-
 7 riers that lease terminal gate space at Love Field shall
 8 depart from and arrive at one of those leased gates.

9 (c) CARRIERS WHO DO NOT LEASE GATES.—Char-
 10 ter flights from Love Field, Texas, operated by air carriers
 11 that do not lease terminal space at Love Field may operate
 12 from nonterminal facilities or one of the terminal gates
 13 at Love Field.

14 **SEC. 5. AGREEMENT OF THE PARTIES.**

15 (a) IN GENERAL.—Any action taken by the city of
 16 Dallas, the city of Fort Worth, Southwest Airlines, Amer-
 17 ican Airlines, and the Dallas-Fort Worth International
 18 Airport Board (referred to in this section as the “parties”)
 19 that is reasonably necessary to implement the provisions
 20 of the agreement dated July 11, 2006, and entitled “CON-
 21 TRACT AMONG THE CITY OF DALLAS, THE CITY
 22 OF FORT WORTH, SOUTHWEST AIRLINES CO.,
 23 AMERICAN AIRLINES, INC., AND DFW INTER-
 24 NATIONAL AIRPORT BOARD INCORPORATING
 25 THE SUBSTANCE OF THE TERMS OF THE JUNE

1 15, 2006 JOINT STATEMENT BETWEEN THE PAR-
2 TIES TO RESOLVE THE ‘WRIGHT AMENDMENT’
3 ISSUES”, and the agreement, shall be deemed to comply
4 in all respects with the parties’ obligations under title 49,
5 United States Code, and any competition laws.

6 (b) LOVE FIELD GATES.—

7 (1) IN GENERAL.—The city of Dallas, Texas,
8 shall reduce, as soon as practicable, the number of
9 gates available for passenger air service at Love
10 Field to no more than 20 gates. Thereafter, the
11 number of gates available for such service shall not
12 exceed a maximum of 20 gates.

13 (2) PERMISSIBLE AIRPORT COSTS.—Costs asso-
14 ciated with reduction of gates under paragraph (1)
15 are permissible airport costs and shall not be consid-
16 ered as revenue diversion.

17 (c) GENERAL AVIATION.—Nothing in the agreement
18 referred to in subsection (a) and this Act shall affect gen-
19 eral aviation service at Love Field, including flights to or
20 from Love Field by general aviation aircraft for air taxi
21 service, private or sport flying, aerial photography, crop
22 dusting, corporate aviation, medical evacuation, flight
23 training, police or fire fighting, and similar general avia-
24 tion purposes, or by aircraft operated by any agency of

1 the Federal Government or by any air carrier under con-
2 tract to any agency of the Federal Government.

3 (d) ENFORCEMENT.—Notwithstanding any other
4 provision of law, the Secretary of Transportation and the
5 Administrator of the Federal Aviation Administration may
6 not make findings or determinations, issue orders or rules,
7 withhold airport improvement grants or approvals thereof,
8 deny passenger facility charge applications, or take any
9 other action, either self-initiated or on behalf of third par-
10 ties, that is inconsistent with the provisions of the agree-
11 ment referred to in subsection (a) or that challenges the
12 legality of any of its provisions.

13 (e) LIMITATIONS ON STATUTORY CONSTRUCTION.—

14 (1) IN GENERAL.—Nothing in this Act shall be
15 construed—

16 (A) to limit the obligations of the parties
17 under the programs of the Department of
18 Transportation and the Federal Aviation Ad-
19 ministration relating to aviation safety, labor,
20 environmental, national historic preservation,
21 civil rights, small business concerns (including
22 disadvantaged business enterprise), veteran's
23 preference, disability access, and revenue diver-
24 sion;

1 ~~(B)~~ to limit the authority of the Depart-
2 ment of Transportation or the Federal Aviation
3 Administration to enforce the obligations of the
4 parties under the programs described in sub-
5 paragraph (A);

6 ~~(C)~~ to limit the obligations of the parties
7 under the aviation security programs of the De-
8 partment of Homeland Security and the Trans-
9 portation Security Administration at Love
10 Field, Texas;

11 ~~(D)~~ to authorize the parties to offer mar-
12 keting incentives that are in violation of Fed-
13 eral law, rules, orders, agreements, and other
14 requirements; or

15 ~~(E)~~ to limit the authority of the Federal
16 Aviation Administration or any other Federal
17 agency to enforce requirements of law and
18 grant assurances (including subsections (a)(1),
19 (a)(4), and (s) of section 47107 of title 49,
20 United States Code) that impose obligations on
21 Love Field to make its facilities available on a
22 reasonable and nondiscriminatory basis to air
23 carriers seeking to use such facilities, or to
24 withhold grants or deny applications to appli-

1 cants violating such obligations with respect to
2 Love Field.

3 ~~(2) FACILITIES.—Paragraph (1)(E)—~~

4 (A) shall only apply with respect to facili-
5 ties that remain at Love Field after implemen-
6 tation of subsection (b); and

7 (B) shall not be construed to require the
8 city of Dallas, Texas—

9 (i) to construct additional gates be-
10 yond the 20 gates referred to in subsection
11 (b); or

12 (ii) to modify or eliminate preferential
13 leases with air carriers in order to allocate
14 gate capacity to new entrants or to create
15 common use gates, unless such modifica-
16 tion or elimination is implemented on a na-
17 tionwide basis.

18 **SEC. 6. DEPARTMENT OF TRANSPORTATION REVIEW.**

19 The Department of Transportation shall have exclu-
20 sive authority to review actions taken under this Act (in-
21 cluding the agreement referred to in section 5(a)), and ac-
22 tions taken to implement the agreement, with respect to
23 all provisions of title 49, United States Code, and with
24 respect to any Federal competition laws not included in
25 such title that may otherwise apply.

1 **SEC. 7. APPLICABILITY.**

2 The provisions of this Act shall apply only to actions
3 taken by the parties to the agreement referred to in sec-
4 tion 5(a) of this Act at Love Field, Texas, and shall have
5 no application to any other airport (other than an airport
6 owned or operated by the city of Dallas or the city of Fort
7 Worth, Texas, or both).

8 **SEC. 8. EFFECTIVE DATE.**

9 Sections 1 through 7 and the amendments made by
10 such sections shall take effect on the date that the Admin-
11 istrator of the Federal Aviation Administration notifies
12 Congress that aviation operations in the airspace serving
13 Love Field and the Dallas-Fort Worth area, Texas, occur-
14 ring as a result of the agreement referred to in section
15 5(a) and this Act can be accommodated in full compliance
16 with Federal Aviation Administration safety standards in
17 accordance with section 40101 of title 49, United States
18 Code, and, based on current expectations, without adverse
19 effect on use of airspace in such area.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Wright Amendment Re-*
22 *form Act”.*

23 **SEC. 2. MODIFICATION OF PROVISIONS REGARDING**
24 **FLIGHTS TO AND FROM LOVE FIELD, TEXAS.**

25 (a) *EXPANDED SERVICE.*—Section 29(c) of the Inter-
26 *national Air Transportation Competition Act of 1979 (Pub-*

1 *lic Law 96–192; 94 Stat. 35) is amended by striking “car-*
2 *rier, if (1)” and all that follows and inserting the following:*
3 *“carrier. Air carriers and, with regard to foreign air trans-*
4 *portation, foreign air carriers, may offer for sale and pro-*
5 *vide through service and ticketing to or from Love Field,*
6 *Texas, and any United States or foreign destination*
7 *through any point within Texas, New Mexico, Oklahoma,*
8 *Kansas, Arkansas, Louisiana, Mississippi, Missouri, and*
9 *Alabama.”.*

10 *(b) REPEAL.—Section 29 of the International Air*
11 *Transportation Competition Act of 1979 (94 Stat. 35), as*
12 *amended by subsection (a), is repealed on the date that is*
13 *8 years after the date of enactment of this Act.*

14 **SEC. 3. TREATMENT OF INTERNATIONAL NONSTOP**
15 **FLIGHTS TO AND FROM LOVE FIELD, TEXAS.**

16 *No person shall provide, or offer to provide, air trans-*
17 *portation of passengers for compensation or hire between*
18 *Love Field, Texas, and any point or points outside the 50*
19 *States or the District of Columbia on a nonstop basis, and*
20 *no official or employee of the Federal Government may take*
21 *any action to make or designate Love Field as an initial*
22 *point of entry into the United States or a last point of de-*
23 *parture from the United States.*

1 **SEC. 4. CHARTER FLIGHTS AT LOVE FIELD, TEXAS.**

2 (a) *IN GENERAL.*—Charter flights (as defined in sec-
3 tion 212.2 of title 14, Code of Federal Regulations) at Love
4 Field, Texas, shall be limited to—

5 (1) destinations within the 50 States and the
6 District of Columbia, and

7 (2) no more than 10 per month per air carrier
8 for charter flights beyond the States of Texas, New
9 Mexico, Oklahoma, Kansas, Arkansas, Louisiana,
10 Mississippi, Missouri, and Alabama.

11 (b) *CARRIERS WHO LEASE GATES.*—Except for any
12 flights operated by any agency of the Federal Government
13 or by any air carrier under contract with any agency of
14 the Federal Government and except in irregular operations
15 described in the agreement referred to in section 5(a), all
16 flights operated to or from Love Field by air carriers that
17 lease terminal gate space at Love Field shall depart from
18 and arrive at one of those leased gates.

19 (c) *CARRIERS WHO DO NOT LEASE GATES.*—Charter
20 flights from Love Field, Texas, operated by air carriers that
21 do not lease terminal space at Love Field may operate from
22 nonterminal facilities or one of the terminal gates at Love
23 Field.

24 **SEC. 5. AGREEMENT OF THE PARTIES.**

25 (a) *IN GENERAL.*—Any action taken by the city of
26 Dallas, the city of Fort Worth, Southwest Airlines, Amer-

1 *ican Airlines, and the Dallas-Fort Worth International Air-*
2 *port Board (referred to in this section as the “parties”) that*
3 *is reasonably necessary to implement the provisions of the*
4 *agreement dated July 11, 2006, and entitled “CONTRACT*
5 *AMONG THE CITY OF DALLAS, THE CITY OF FORT*
6 *WORTH, SOUTHWEST AIRLINES CO., AMERICAN*
7 *AIRLINES, INC., AND DFW INTERNATIONAL AIR-*
8 *PORT BOARD INCORPORATING THE SUBSTANCE*
9 *OF THE TERMS OF THE JUNE 15, 2006 JOINT*
10 *STATEMENT BETWEEN THE PARTIES TO RE-*
11 *SOLVE THE ‘WRIGHT AMENDMENT’ ISSUES”, and*
12 *the agreement, shall be deemed to comply in all respects*
13 *with the parties’ obligations under title 49, United States*
14 *Code.*

15 (b) *LOVE FIELD GATES.—*

16 (1) *IN GENERAL.—The city of Dallas, Texas,*
17 *shall reduce, as soon as practicable, the number of*
18 *gates available for passenger air service at Love Field*
19 *to no more than 20 gates. Thereafter, the number of*
20 *gates available for such service shall not exceed a*
21 *maximum of 20 gates.*

22 (2) *PERMISSIBLE AIRPORT COSTS.—Costs associ-*
23 *ated with reduction of gates under paragraph (1) are*
24 *permissible airport costs and shall not be considered*
25 *as revenue diversion.*

1 (c) *GENERAL AVIATION.*—*Nothing in the agreement re-*
2 *ferred to in subsection (a) and this Act shall affect general*
3 *aviation service at Love Field, including flights to or from*
4 *Love Field by general aviation aircraft for air taxi service,*
5 *private or sport flying, aerial photography, crop dusting,*
6 *corporate aviation, medical evacuation, flight training, po-*
7 *lice or fire fighting, and similar general aviation purposes,*
8 *or by aircraft operated by any agency of the Federal Gov-*
9 *ernment or by any air carrier under contract to any agency*
10 *of the Federal Government.*

11 (d) *ENFORCEMENT.*—*Notwithstanding any other pro-*
12 *vision of law, the Secretary of Transportation and the Ad-*
13 *ministrator of the Federal Aviation Administration may*
14 *not make findings or determinations, issue orders or rules,*
15 *withhold airport improvement grants or approvals thereof,*
16 *deny passenger facility charge applications, or take any*
17 *other action, either self-initiated or on behalf of third par-*
18 *ties, that is inconsistent with the provisions of the agree-*
19 *ment referred to in subsection (a) or that challenges the le-*
20 *gality of any of its provisions.*

21 (e) *LIMITATIONS ON STATUTORY CONSTRUCTION.*—

22 (1) *IN GENERAL.*—*Nothing in this Act shall be*
23 *construed—*

24 (A) *to limit the obligations of the parties*
25 *under the programs of the Department of Trans-*

1 *portation and the Federal Aviation Administra-*
2 *tion relating to aviation safety, labor, environ-*
3 *mental, national historic preservation, civil*
4 *rights, small business concerns (including dis-*
5 *advantaged business enterprise), veteran's pref-*
6 *erence, disability access, and revenue diversion;*

7 *(B) to limit the authority of the Depart-*
8 *ment of Transportation or the Federal Aviation*
9 *Administration to enforce the obligations of the*
10 *parties under the programs described in sub-*
11 *paragraph (A);*

12 *(C) to limit the obligations of the parties*
13 *under the aviation security programs of the De-*
14 *partment of Homeland Security and the Trans-*
15 *portation Security Administration at Love*
16 *Field, Texas;*

17 *(D) to authorize the parties to offer mar-*
18 *keting incentives that are in violation of Federal*
19 *law, rules, orders, agreements, and other require-*
20 *ments; or*

21 *(E) to limit the authority of the Federal*
22 *Aviation Administration or any other Federal*
23 *agency to enforce requirements of law and grant*
24 *assurances (including subsections (a)(1), (a)(4),*
25 *and (s) of section 47107 of title 49, United*

1 *States Code) that impose obligations on Love*
2 *Field to make its facilities available on a reason-*
3 *able and nondiscriminatory basis to air carriers*
4 *seeking to use such facilities, or to withhold*
5 *grants or deny applications to applicants vio-*
6 *lating such obligations with respect to Love*
7 *Field.*

8 (2) *FACILITIES.—Paragraph (1)(E)—*

9 *(A) shall only apply with respect to facili-*
10 *ties that remain at Love Field after implementa-*
11 *tion of subsection (b); and*

12 *(B) shall not be construed to require the*
13 *city of Dallas, Texas—*

14 *(i) to construct additional gates beyond*
15 *the 20 gates referred to in subsection (b); or*

16 *(ii) to modify or eliminate preferential*
17 *leases with air carriers in order to allocate*
18 *gate capacity to new entrants or to create*
19 *common use gates, unless such modification*
20 *or elimination is implemented on a nation-*
21 *wide basis.*

22 **SEC. 6. DEPARTMENT OF TRANSPORTATION REVIEW.**

23 *The Department of Transportation shall have exclusive*
24 *authority to review actions taken under this Act (including*
25 *the agreement referred to in section 5(a)), and actions taken*

1 *to implement the agreement, with respect to all provisions*
2 *of title 49, United States Code.*

3 **SEC. 7. APPLICABILITY.**

4 (a) *LIMITATION.*—*The provisions of this Act shall*
5 *apply only to actions taken by the parties to the agreement*
6 *referred to in section 5(a) of this Act at Love Field, Texas,*
7 *and shall have no application to any other airport (other*
8 *than an airport owned or operated by the city of Dallas*
9 *or the city of Fort Worth, Texas, or both).*

10 (b) *PRESERVATION OF ANTITRUST LAWS.*—*Nothing in*
11 *this Act, or any amendment made by this Act, shall modify,*
12 *impair, or supersede the operation of the antitrust laws.*

13 **SEC. 8. EFFECTIVE DATE.**

14 *Sections 1 through 7 and the amendments made by*
15 *such sections shall take effect on the date that the Adminis-*
16 *trator of the Federal Aviation Administration notifies Con-*
17 *gress that aviation operations in the airspace serving Love*
18 *Field and the Dallas-Fort Worth area, Texas, occurring as*
19 *a result of the agreement referred to in section 5(a) and*
20 *this Act can be accommodated in full compliance with Fed-*
21 *eral Aviation Administration safety standards in accord-*
22 *ance with section 40101 of title 49, United States Code,*
23 *and, based on current expectations, without adverse effect*
24 *on use of airspace in such area.*

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