

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3661

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## AN ACT

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 of 2006”.

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

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

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16 amended by subsection (a), is repealed on the date that  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

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

20 No person shall provide, or offer to provide, air trans-  
21 portation of passengers for compensation or hire between  
22 Love Field, Texas, and any point or points outside the  
23 50 States or the District of Columbia on a nonstop basis,  
24 and no official or employee of the Federal Government  
25 may take any action to make or designate Love Field as

1 an initial point of entry into the United States or a last  
2 point of departure from the United States.

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

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

7 (1) destinations within the 50 States and the  
8 District of Columbia; and

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

13 (b) CARRIERS WHO LEASE GATES.—All flights oper-  
14 ated to or from Love Field by air carriers that lease ter-  
15 minal gate space at Love Field shall depart from and ar-  
16 rive at one of those leased gates; except for—

17 (1) flights operated by an agency of the Federal  
18 Government or by an air carrier under contract with  
19 an agency of the Federal Government; and

20 (2) irregular operations.

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

1 **SEC. 5. LOVE FIELD GATES.**

2 (a) IN GENERAL.—The city of Dallas, Texas, shall  
3 reduce as soon as practicable, the number of gates avail-  
4 able for passenger air service at Love Field to no more  
5 than 20 gates. Thereafter, the number of gates available  
6 for such service shall not exceed a maximum of 20 gates.  
7 The city of Dallas, pursuant to its authority to operate  
8 and regulate the airport as granted under chapter 22 of  
9 the Texas Transportation Code and this Act, shall deter-  
10 mine the allocation of leased gates and manage Love Field  
11 in accordance with contractual rights and obligations ex-  
12 isting as of the effective date of this Act for certificated  
13 air carriers providing scheduled passenger service at Love  
14 Field on July 11, 2006. To accommodate new entrant air  
15 carriers, the city of Dallas shall honor the scarce resource  
16 provision of the existing Love Field leases.

17 (b) REMOVAL OF GATES AT LOVE FIELD.—No Fed-  
18 eral funds or passenger facility charges may be used to  
19 remove gates at the Lemmon Avenue facility, Love Field,  
20 in reducing the number of gates as required under this  
21 Act, but Federal funds or passenger facility charges may  
22 be used for other airport facilities under chapter 471 of  
23 title 49, United States Code.

24 (c) GENERAL AVIATION.—Nothing in this Act shall  
25 affect general aviation service at Love Field, including  
26 flights to or from Love Field by general aviation aircraft

1 for air taxi service, private or sport flying, aerial photog-  
2 raphy, crop dusting, corporate aviation, medical evacu-  
3 ation, flight training, police or fire fighting, and similar  
4 general aviation purposes, or by aircraft operated by any  
5 agency of the Federal Government or by any air carrier  
6 under contract to any agency of the Federal Government.

7 (d) ENFORCEMENT.—

8 (1) IN GENERAL.—Notwithstanding any other  
9 provision of law, the Secretary of Transportation  
10 and the Administrator of the Federal Aviation Ad-  
11 ministration may not make findings or determina-  
12 tions, issue orders or rules, withhold airport im-  
13 provement grants or approvals thereof, deny pas-  
14 senger facility charge applications, or take any other  
15 actions, either self-initiated or on behalf of third  
16 parties—

17 (A) that are inconsistent with the contract  
18 dated July 11, 2006, entered into by the city of  
19 Dallas, the city of Fort Worth, the DFW Inter-  
20 national Airport Board, and others regarding  
21 the resolution of the Wright Amendment issues,  
22 unless actions by the parties to the contract are  
23 not reasonably necessary to implement such  
24 contract; or

1 (B) that challenge the legality of any pro-  
2 vision of such contract.

3 (2) COMPLIANCE WITH TITLE 49 REQUIRE-  
4 MENTS.—A contract described in paragraph (1)(A)  
5 of this subsection, and any actions taken by the par-  
6 ties to such contract that are reasonably necessary  
7 to implement its provisions, shall be deemed to com-  
8 ply in all respects with the parties' obligations under  
9 title 49, United States Code.

10 (e) LIMITATION ON STATUTORY CONSTRUCTION.—

11 (1) IN GENERAL.—Nothing in this Act shall be  
12 construed—

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

22 (B) to limit the authority of the Depart-  
23 ment of Transportation or the Federal Aviation  
24 Administration to enforce the obligations of the

1 parties under the programs described in sub-  
2 paragraph (A);

3 (C) to limit the obligations of the parties  
4 under the security programs of the Department  
5 of Homeland Security, including the Transpor-  
6 tation Security Administration, at Love Field,  
7 Texas;

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

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

24 (2) FACILITIES.—Paragraph (1)(E)—

1 (A) shall only apply with respect to facili-  
2 ties that remain at Love Field after the city of  
3 Dallas has reduced the number of gates at Love  
4 Field as required by subsection (a); and

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

7 (i) to construct additional gates be-  
8 yond the 20 gates referred to in subsection  
9 (a); or

10 (ii) to modify or eliminate preferential  
11 gate leases with air carriers in order to al-  
12 locate gate capacity to new entrants or to  
13 create common use gates, unless such  
14 modification or elimination is implemented  
15 on a nationwide basis.

16 **SEC. 6. APPLICABILITY.**

17 The provisions of this Act shall apply to actions taken  
18 with respect to Love Field, Texas, or air transportation  
19 to or from Love Field, Texas, and shall have no applica-  
20 tion to any other airport (other than an airport owned or  
21 operated by the city of Dallas or the city of Fort Worth,  
22 or both).

23 **SEC. 7. EFFECTIVE DATE.**

24 Sections 1 through 6, including the amendments  
25 made by such sections, shall take effect on the date that



1 the Administrator of the Federal Aviation Administration  
2 notifies Congress that aviation operations in the airspace  
3 serving Love Field and the Dallas-Fort Worth area which  
4 are likely to be conducted after enactment of this Act can  
5 be accommodated in full compliance with Federal Aviation  
6 Administration safety standards in accordance with sec-  
7 tion 40101 of title 49, United States Code, and, based  
8 on current expectations, without adverse effect on use of  
9 airspace in such area.

Passed the Senate September 29, 2006.

Attest:

*Secretary.*

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