

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend title 49, United States Code, to improve the essential air service program.

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IN THE SENATE OF THE UNITED STATES

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Mr. MERKLEY (for himself and Mr. WYDEN) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To amend title 49, United States Code, to improve the essential air service program.

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 “Defending Essential  
5 Flights and Ensuring National Security Efforts (DE-  
6 FENSE) Act of 2018”.

1 **SEC. 2. IMPROVING THE ESSENTIAL AIR SERVICE PRO-**  
2 **GRAM.**

3 Section 41731 of title 49, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(g) **EXCEPTION FOR CERTAIN LOCATIONS WITH**  
7 **HIGH MILITARY USE.**—Subparagraph (D) of subsection  
8 (a)(1) shall not apply with respect to any location that—

9 “(1) is certified under part 139 of title 14,  
10 Code of Federal Regulations;

11 “(2) is not owned by the Federal government;  
12 and

13 “(3) for which not less than 10 percent of air-  
14 port operations in 2017 were by aircraft of the  
15 Armed Forces.”.