

as those sections relate to transportation of mail by aircraft between places in Alaska (restated in sections 41107 and 41901–41903 of the revised title) ceases on January 1, 1999. Section 1601(b)(3) transfers the authority for prescribing rates for transportation of mail between places in Alaska from the Secretary of Transportation to the Postal Service effective January 1, 1999.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–405, §2(b)(1), substituted “39, and in foreign air transportation under section 5402(b) and (c) of title 39.” for “39.”

Subsec. (b)(1). Pub. L. 110–405, §2(b)(2), struck out “in foreign air transportation or” after “aircraft”.

2002—Subsec. (a). Pub. L. 107–206 substituted “5402(e)” for “5402(d)”.

1999—Subsecs. (b)(1), (g). Pub. L. 106–31 repealed Pub. L. 103–272, §4(k). See 1994 Amendment notes below.

1995—Subsec. (g). Pub. L. 104–52 struck out subsec. (g) which read as follows: “EXPIRATION DATE.—The authority of the Secretary under this part and section 5402 of title 39 providing for the transportation of mail by aircraft between places in Alaska expires on the date specified in section 5402(f) of title 39.”

1994—Subsec. (b)(1). Pub. L. 103–272, §4(k)(1), which directed the amendment of this section by substituting “foreign air transportation,” for “foreign air transportation or between places in Alaska.”, effective Jan. 1, 1999, was repealed by Pub. L. 106–31, §6003, effective Dec. 31, 1998.

Subsec. (g). Pub. L. 103–272, §4(k)(2), which directed the amendment of this section by striking out subsec. (g), effective Jan. 1, 1999, was repealed by Pub. L. 106–31, §6003, effective Dec. 31, 1998.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–405 effective Oct. 1, 2008, see section 2(c) of Pub. L. 110–405, set out as a note under section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–31, title VI, §6003, May 21, 1999, 113 Stat. 113, provided that the amendment made by section 6003 is effective Dec. 31, 1998.

§ 41902. Schedules for certain transportation of mail

(a) REQUIREMENT.—Except as provided in section 41905 of this title and section 5402 of title 39, an air carrier may transport mail by aircraft between places in Alaska only under a schedule designated or required to be established under subsection (c) of this section for the transportation of mail.

(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

(1) the places between which the carrier is authorized to transport mail in Alaska;

(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place.

(c) DESIGNATING AND ADDITIONAL SCHEDULES.—The Postal Service may—

(1) designate any schedule of an air carrier filed under subsection (b)(2) of this section for the transportation of mail between the places between which the carrier is authorized by its certificate to transport mail; and

(2) require the carrier to establish additional schedules for the transportation of mail between those places.

(d) CHANGING SCHEDULES.—A schedule designated or required to be established for the transportation of mail under subsection (c) of this section may be changed only after 10 days’ notice of the change is filed as provided in subsection (b)(2) of this section. The Postal Service may disapprove a proposed change in a schedule or amend or modify the schedule or proposed change.

(Pub. L. 103–272, §§1(e), 4(k)(1), (3), July 5, 1994, 108 Stat. 1153, 1370; Pub. L. 103–429, §7(a)(3)(D), Oct. 31, 1994, 108 Stat. 4389; Pub. L. 106–31, title VI, §6003, May 21, 1999, 113 Stat. 113; Pub. L. 110–405, §2(b)(3), Oct. 13, 2008, 122 Stat. 4289; Pub. L. 115–254, div. B, title V, §539(f), Oct. 5, 2018, 132 Stat. 3370.)

HISTORICAL AND REVISION NOTES PUB. L. 103–272, §1(e)

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41902(a)	49 App.:1375(b) (last sentence). 49 App.:1551(a)(4)(A) (related to 49 App.:1375(b)).	Aug. 23, 1958, Pub. L. 85–726, §405(b), 72 Stat. 760. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(a)(4)(A) (related to §405(b)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(c), (e), 98 Stat. 1703, 1704.
41902(b)	49 App.:1375(b) (1st sentence). 49 App.:1551(a)(4)(A) (related to 49 App.:1375(b)), (b)(1)(E).	
41902(c)	49 App.:1375(b) (2d sentence).	
41902(d)	49 App.:1375(b) (3d, 4th sentences).	
41902(e)	49 App.:1375(b) (5th–7th sentences). 49 App.:1551(a)(4)(A) (related to 49 App.:1375(b)), (b)(1)(E).	
41902(f)	49 App.:1375(b) (8th sentence). 49 App.:1551(a)(4)(A) (related to 49 App.:1375(b)), (b)(1)(E).	

In this chapter, the word “places” is substituted for “points” for consistency in the revised title. The words “United States Postal Service” and “Postal Service” are substituted for “Postmaster General” in sections 401, 405, and 406 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 754, 760) because of sections 4(a) and 6(o) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773, 783).

In subsection (a), the words “Except as provided in section 41906 of this title and section 5402 of title 39” are added because section 41906 of the revised title and 39:5402 contain exceptions to the provisions restated in this subsection. The words “transport mail by aircraft in foreign air transportation or between places in Alaska” are substituted for “transport mail” because 49 App.:1551(a)(4)(A) provides that 49 App.:1375(b) no longer applies to interstate or overseas air transportation (except transportation of mail between 2 places in Alaska).

In subsection (b), before clause (1), the words “from time to time” are omitted as surplus. Clauses (1) and (2) are substituted for “to engage in air transportation” because 49 App.:1551(a)(4)(A) provides that 49 App.:1375(b) no longer applies to interstate or overseas air transportation (except transportation of mail between 2 places in Alaska). In clause (4), the words “between places described in clauses (1) and (2) of this subsection and every change in each schedule” are substituted for “between such points” for clarity.

In subsection (c)(1), the words “any schedule of an air carrier filed under subsection (b)(3) of this section” are substituted for “any such schedule” for clarity.

In subsection (c)(2), the words “by order” are omitted as surplus.

In subsection (d), the word “alter” is omitted as being included in “amend, or modify”.

In subsection (e), the words “adversely affected” are substituted for “aggrieved” for consistency in the revised title. The words “appeal the order” are substituted for “apply . . . for a review of such order” for consistency in the revised title and with other titles of the United States Code. The words “The Board may review, and” are omitted as surplus. The words “amend, modify” are substituted for “amend, revise” for consistency in the revised title.

Subsection (f) is substituted for 49 App.:1375(b) (8th sentence) to reflect the transfer of functions of the Civil Aeronautics Board to the Secretary of Transportation.

PUB. L. 103-272, §4(k)(1), (3)

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41902(a), (b)	49 App.:1551(a)(8). 49 App.:1551(b)(3).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(a)(8); added Oct. 4, 1984, Pub. L. 98-443, §3(c), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100-457, §346 (related to §1601(a)(8) of Federal Aviation Act of 1958), 102 Stat. 2155. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(3); added Oct. 4, 1984, Pub. L. 98-443, §3(f), 98 Stat. 1704; Sept. 30, 1988, Pub. L. 100-457, §346 (related to §1601(b)(3) of Federal Aviation Act of 1958), 102 Stat. 2155.

Section 4(k) reflects amendments to the restatement required by section 1601(a)(8) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 731), as added by section 3(c) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98-443, 98 Stat. 1704), and section 1601(b)(3) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 731), as added by section 3(f) of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98-443, 98 Stat. 1704). Section 1601(a)(8) provides that the authority under 49 App.:1371(l) and (m) and 1375(b)-(d) as those sections relate to transportation of mail by aircraft between places in Alaska (restated in sections 41107 and 41901-41903 of the revised title) ceases on January 1, 1999. Section 1601(b)(3) transfers the authority for prescribing rates for transportation of mail between places in Alaska from the Secretary of Transportation to the Postal Service effective January 1, 1999.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254 substituted “section 41905” for “section 41906”.

2008—Subsec. (a). Pub. L. 110-405, §2(b)(3)(A), struck out “in foreign air transportation or” after “aircraft”.

Subsec. (b). Pub. L. 110-405, §2(b)(3)(B), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “Every air carrier shall file with the Secretary of Transportation and the United States Postal Service a statement showing—

“(1) the places between which the carrier is authorized to provide foreign air transportation;

“(2) the places between which the carrier is authorized to transport mail in Alaska;

“(3) every schedule of aircraft regularly operated by the carrier between places described in clauses (1) and (2) of this subsection and every change in each schedule; and

“(4) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each place.”

Subsecs. (c)(1), (d). Pub. L. 110-405, §2(b)(3)(C), substituted “subsection (b)(2)” for “subsection (b)(3)”.

Subsecs. (e), (f). Pub. L. 110-405, §2(b)(3)(D), struck out subsecs. (e) and (f) which read as follows:

“(e) ORDERS.—An order of the Postal Service under this section may become effective only after 10 days after the order is issued. A person adversely affected by the order may appeal the order to the Secretary before the end of the 10-day period under regulations the Secretary prescribes. If the public convenience and necessity require, the Secretary may amend, modify, suspend, or cancel the order. Pending a decision about the order, the Secretary may postpone the effective date of the order.

“(f) PROCEEDINGS PREFERENCES.—The Secretary shall give preference to a proceeding under this section over all other proceedings before the Secretary under this subpart.”

1999—Subsecs. (a), (b)(2) to (4). Pub. L. 106-31 repealed Pub. L. 103-272, §4(k). See 1994 Amendment notes below.

1994—Subsec. (a). Pub. L. 103-272, §4(k)(1), which directed the amendment of this section by substituting “foreign air transportation” for “foreign air transportation or between places in Alaska”, effective Jan. 1, 1999, was repealed by Pub. L. 106-31, §6003, effective Dec. 31, 1998.

Subsec. (b)(2) to (4). Pub. L. 103-272, §4(k)(3), as amended by Pub. L. 103-429, which directed the amendment of subsec. (b) by redesignating par. (3) as (2) and substituting “clause (1)” for “clauses (1) and (2)”, striking out former par. (2) which read as follows: “the places between which the carrier is authorized to transport mail in Alaska;”, and redesignating par. (4) as (3), effective Jan. 1, 1999, was repealed by Pub. L. 106-31, §6003, effective Dec. 31, 1998.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-405 effective Oct. 1, 2008, see section 2(c) of Pub. L. 110-405, set out as a note under section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-31, title VI, §6003, May 21, 1999, 113 Stat. 113, provided that the amendment made by section 6003 is effective Dec. 31, 1998.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-429, §7(a), Oct. 31, 1994, 108 Stat. 4388, provided in part that the amendment made by that section is effective July 5, 1994.

§ 41903. Duty to provide certain transportation of mail

(a) AIR CARRIERS.—Subject to subsection (b) of this section, an air carrier authorized by its certificate to transport mail by aircraft between places in Alaska shall—

(1) provide facilities and services necessary and adequate to provide that transportation; and

(2) transport mail between the places authorized in the certificate for transportation of mail when required, and under regulations prescribed, by the United States Postal Service.

(b) MAXIMUM MAIL LOAD.—The Secretary of Transportation may prescribe the maximum mail load for a schedule or for an aircraft or type of aircraft for the transportation of mail by aircraft between places in Alaska. If the Postal Service tenders to an air carrier mail exceeding the maximum load for transportation by the carrier under a schedule designated or required to be established for the transportation of mail under section 41902(c) of this title, the carrier, as nearly in accordance with the schedule as the Secretary decides is possible, shall—

(1) provide facilities sufficient to transport the mail to the extent the Secretary decides the carrier reasonably is able to do so; and