

tion rate, based on the carrier's internal audit of its financial statements if such cost increase is incurred for a period of at least 2 consecutive months.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1151; Pub. L. 108-176, title IV, § 402(a), Dec. 12, 2003, 117 Stat. 2543; Pub. L. 112-95, title IV, § 427(a), Feb. 14, 2012, 126 Stat. 99.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41737(a)	49 App.:1389(f).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §419(e)(2)-(g); added Oct. 24, 1978, Pub. L. 95-504, §33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98-213, §10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98-443, §9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100-223, §202(a)(1), (2), (b)(1), 101 Stat. 1507, 1515.
41737(b)	49 App.:1389(e)(2).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §419(l); added Nov. 5, 1990, Pub. L. 101-508, §9113(b)(1), 104 Stat. 1388-363.
41737(c)	49 App.:1389(g).	
41737(d)	49 App.:1389(l).	

In subsection (a)(1), before clause (A), the word “prescribe” is substituted for “establish” to eliminate an executed word. The words “air service or air transportation under this subchapter” are substituted for “air service under this section” for consistency with the source provisions restated in sections 41733, 41735, and 41736 of the revised title. In clause (C), the words “the service or transportation for which compensation is being provided” are substituted for “such service” for clarity.

In subsection (a)(2), the words “compensation provided to a carrier under this subchapter” are substituted for “required compensation” for clarity.

In subsection (b), the words “air service or air transportation” are substituted for “air service” for consistency with the source provisions restated in sections 41733, 41735, and 41736 of the revised title.

In subsection (d)(2), the reference to fiscal year 1992 is omitted as obsolete.

Editorial Notes

AMENDMENTS

2012—Subsec. (a)(1)(D), (E). Pub. L. 112-95 added subpars. (D) and (E).

2003—Subsec. (e). Pub. L. 108-176 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-176, title IV, § 402(b), Dec. 12, 2003, 117 Stat. 2543, provided that: “The amendment made by subsection (a) [amending this section] shall take effect 30 days after the date of enactment of this Act [Dec. 12, 2003].”

EMERGENCY ACROSS-THE-BOARD ADJUSTMENT TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS

Pub. L. 112-95, title IV, § 426(a), Feb. 14, 2012, 126 Stat. 98; Pub. L. 115-254, div. B, title V, § 539(s)(1), Oct. 5, 2018, 132 Stat. 3371, provided that: “Subject to the availability of funds, the Secretary of Transportation may increase the rates of compensation payable to air carriers under subchapter II of chapter 417 of title 49, United States Code, to compensate such carriers for increased aviation fuel costs without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734 of such title.”

DEADLINE FOR ISSUANCE OF REVISED GUIDANCE

Pub. L. 112-95, title IV, § 427(b), Feb. 14, 2012, 126 Stat. 99, provided that: “Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Secretary of Transportation shall issue revised guidelines governing the rate of compensation payable under subchapter II of chapter 417 that incorporate the amendments made by this section [amending this section].”

§ 41738. Fitness of air carriers

Notwithstanding section 40109(a) and (c)-(h) of this title, an air carrier may provide air service to an eligible place or air transportation to a place designated under section 41736 of this title only when the Secretary of Transportation decides that—

(1) the carrier is fit, willing, and able to perform the service or transportation; and

(2) aircraft used to provide the service or transportation, and operations related to the service or transportation, conform to the safety standards prescribed by the Administrator of the Federal Aviation Administration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1152.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41738	49 App.:1389(e)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §419(e)(1); added Oct. 24, 1978, Pub. L. 95-504, §33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98-213, §10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98-443, §9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100-223, §202(a)(1), (2), (b)(1), 101 Stat. 1507, 1515.

In this section, before clause (1), the words “air transportation to a place” are substituted for “service to a point” for consistency with the source provisions restated in sections 41733, 41735, and 41736 of the revised title. In clauses (1) and (2), the words “service or transportation” are substituted for “such service” for consistency with the source provisions restated in sections 41733, 41735, and 41736 of the revised title.

§ 41739. Air carrier obligations

If at least 2 air carriers make an agreement to operate under or use a single carrier designator code to provide air transportation, the carrier whose code is being used shares responsibility with the other carriers for the quality of transportation provided the public under the code by the other carriers.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1152.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41739	49 App.:1389(i).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §419(i); added Oct. 24, 1978, Pub. L. 95-504, §33(a), 92 Stat. 1732; Dec. 8, 1983, Pub. L. 98-213, §10, 97 Stat. 1461; Oct. 4, 1984, Pub. L. 98-443, §9(r), 98 Stat. 1708; restated Dec. 30, 1987, Pub. L. 100-223, §202(a)(1), (2), (b)(1), 101 Stat. 1507, 1516.

The words “quality of transportation” are substituted for “quality of service” for clarity and consistency in this section.