

Statutory Notes and Related Subsidiaries

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

(2) transport that mail.

(Pub. L. 103-272, §§1(e), 4(k)(1), July 5, 1994, 108 Stat. 1154, 1370; Pub. L. 106-31, title VI, §6003, May 21, 1999, 113 Stat. 113; Pub. L. 110-405, §2(b)(4), Oct. 13, 2008, 122 Stat. 4289.)

HISTORICAL AND REVISION NOTES

PUB. L. 103-272, §1(e)

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41903(a)	49 App.:1371(l). 49 App.:1375(d). 49 App.:1551(a)(4)(A) (related to 49 App.:1371(l), 1375(d)).	Aug. 23, 1958, Pub. L. 85-726, §§401(l), 405(c), (d), 72 Stat. 757, 761. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(a)(4)(A) (related to §§401(l), 405(c), (d)); added Oct. 4, 1984, Pub. L. 98-443, §3(c), 98 Stat. 1703.
41903(b)	49 App.:1375(c). 49 App.:1551(a)(4)(A) (related to 49 App.:1375(c)). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.

In subsection (a), before clause (1), the words “Subject to subsection (b) of this section” are added for

clarity because subsection (b) limits the effect of this section. The words “transport mail by aircraft in foreign air transportation or between places in Alaska” are substituted for “the transportation of mail” in 49 App.:1371(l) and “the transportation of mail by aircraft” in 49 App.:1375(d) because 49 App.:1551(a)(4)(A) provides that 49 App.:1371(l) and 1375(d) no longer apply to interstate or overseas air transportation (except transportation of mail between 2 places in Alaska). Clause (2) is substituted for “shall transport mail whenever required by the United States Postal Service” in 49 App.:1371(l) and the text of 49 App.:1375(d) for clarity and to eliminate unnecessary words. The text of 49 App.:1371(l) (last sentence) is omitted as surplus because section 41901 of the revised title specifies how the rates of compensation are determined.

In subsection (b), before clause (1), the words “transportation of mail by aircraft in foreign air transportation or between places in Alaska” are added because 49 App.:1551(a)(4)(A) provides that 49 App.:1375(c) no longer applies to interstate or overseas air transportation of mail (except transportation of mail between 2 places in Alaska).

PUB. L. 103-272, §4(k)(1)

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41903	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.

Editorial Notes

AMENDMENTS

2008—Subsecs. (a), (b). Pub. L. 110-405 struck out “in foreign air transportation or” before “between places in Alaska” in introductory provisions.

1999—Pub. L. 106-31 repealed Pub. L. 103-272, §4(k). See 1994 Amendment note below.

1994—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” in introductory provisions of subsecs. (a) and (b), effective Jan. 1, 1999, was repealed by Pub. L. 106-31, §6003, effective Dec. 31, 1998.

Statutory Notes and Related Subsidiaries

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.

§ 41904. Noncitizens transporting mail

When the United States Postal Service decides that it may be necessary to have a person not a citizen of the United States transport mail by aircraft between two points outside the United States, the Postal Service may make an arrangement with the person, without advertising, to provide the transportation. Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1155; Pub. L. 110-405, §2(b)(5), Oct. 13, 2008, 122 Stat. 4289.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
41904	49 App.:1375(e)(2).	Aug. 23, 1958, Pub. L. 85-726, § 405(e)(2), 72 Stat. 761.

The words “who may not be obligated to transport the mail for a foreign country” are omitted for simplicity and clarity because the omitted words impose no requirement or qualification that is meaningful.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-405 struck out “to or in foreign countries” after “mail” in section catchline, substituted “between two points outside the United States” for “to or in a foreign country”, and inserted “Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.” after “transportation.”

Statutory Notes and Related Subsidiaries

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.

§ 41905. Emergency mail transportation

(a) **CONTRACT AUTHORITY.**—In an emergency caused by a flood, fire, or other disaster, the United States Postal Service may make a contract without advertising to transport mail by aircraft to or from a locality affected by the emergency when the available facilities of persons authorized to transport mail to or from the locality are inadequate to meet the requirements of the Postal Service during the emergency. The contract may be only for periods necessary to maintain mail service because of the inadequacy of the facilities. Payment for

transportation provided under the contract shall be made at prices provided in the contract.

(b) **TRANSPORTATION NOT AIR TRANSPORTATION.**—Transportation provided under a contract made under subsection (a) of this section is not air transportation within the meaning of this part.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1155, §41906; renumbered §41905, Pub. L. 110-405, §2(b)(7)(B), Oct. 13, 2008, 122 Stat. 4289.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
41906(a)	49 App.:1375(h) (1st, 2d, last sentences).	Aug. 23, 1958, Pub. L. 85-726, § 405(h), 72 Stat. 762.
41906(b)	49 App.:1375(h) (3d sentence).	

In subsection (a), the word “disaster” is substituted for “calamitous visitation” for consistency in the revised title and with other titles of the United States Code. The words “any or all classes of” and “of compensation” are omitted as surplus. The words “from appropriations for the transportation of mail by the means normally used for transporting the mail transported under such contracts” are omitted as superseded by 39:chs. 20 and 24. The authority of the Postal Service under this section is in addition to the authority of the Postal Service under 39:5001.

In subsection (b), the words “Transportation provided” are substituted for “operation” for consistency in this chapter.

Editorial Notes

PRIOR PROVISIONS

A prior section 41905, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1155, related to regulating air carrier transportation of foreign mail, prior to repeal by Pub. L. 110-405, §2(b)(7)(A), (c), Oct. 13, 2008, 122 Stat. 4289, 4290, effective Oct. 1, 2008.

AMENDMENTS

2008—Pub. L. 110-405 renumbered section 41906 of this title as this section.

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.

§ 41906. Duty to oppose unreasonable prices under the Universal Postal Union Convention

The Secretary of State and the United States Postal Service shall—

(1) take appropriate action to ensure that the prices paid for transporting mail under the Universal Postal Union Convention are not higher than reasonable prices for transporting mail; and

(2) oppose any existing or proposed Universal Postal Union price that is higher than a reasonable price for transporting mail.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1156, §41909; renumbered §41906, Pub. L. 110-405, §2(b)(7)(B), Oct. 13, 2008, 122 Stat. 4289.)