(2) A contract under subsection (a)(3) of this section may be renewed at the existing rate by mutual agreement between the contractor or subcontractor and the Postal Service.

(3) Any contract between the Postal Service and any carrier or person for the transportation of mail shall be available for inspection in the office of the Postal Service and either the Surface Transportation Board or the Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 40102(a) of title 49), as appropriate, and in post offices on the post roads involved as determined by the Postal Service, at least 15 days prior to the effective date of the contract.

(c) The Postal Service, in determining whether to obtain transportation of mail by contract under subsection (a)(3) of this section or by Government motor vehicle, shall use the mode of transportation which best serves the public interest, due consideration being given to the cost of the transportation service under each mode.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 767; Pub. L. 92–286, May 1, 1972, 86 Stat. 133; Pub. L. 98–443, § 9(g)(2), Oct. 4, 1984, 98 Stat. 1707; Pub. L. 103–272, § 5(k)(2), July 5, 1994, 108 Stat. 1375; Pub. L. 104–88, title III, § 307(1), (2), Dec. 29, 1995, 109 Stat. 945, 946; Pub. L. 109–435, title X, § 1002(a)(2), (b)(1), Dec. 20, 2006, 120 Stat. 3254, 3255.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–435, § 1002(a)(2)(A), struck out par. (1), which related to common carriers by rail and motor vehicle or persons as provided in chapter 52, redesignated pars. (2) to (4) as (1) to (3), respectively, and, in par. (3), struck out ''(as defined in section 5201(6) of this title)'' after ''any person''.

Subsec. (b)(1), (2). Pub. L. 109–435, § 1002(a)(2)(B), (b)(1), substituted ''(a)(3)'' for ''(a)(4)'' in pars. (1) and (2) and ''(or such longer period of time as may be determined by the Postal Service to be advisable or appropriate)'' for ''(or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years)'' in par. (1).

Subsec. (c). Pub. L. 109–435, § 1002(a)(2)(C), substituted ''by contract under subsection (a)(3) of this section or'' for ''by carrier or person under subsection (a)(1) of this section, by contract under subsection (a)(4) of this section, or''.

1995—Subsec. (a)(4). Pub. L. 104–88, § 307(1), substituted ''5201(6)'' for ''5201(7)''.

Subsec. (b)(3). Pub. L. 104–88, § 307(2), substituted ''Surface Transportation Board'' for ''Interstate Commerce Commission''.

1994—Subsec. (b)(3). Pub. L. 103–272 substituted ''section 40102(a) of title 49'' for ''section 101 of the Federal Aviation Act of 1958''.

1984—Subsec. (b)(3). Pub. L. 98–443 substituted ''Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 101 of the Federal Aviation Act of 1958)'' for ''Civil Aeronautics Board''.

1972—Subsec. (b)(2). Pub. L. 92–286 substituted ''contractor or subcontractor'' for ''holder''.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98–443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

§ 5006. Lien on compensation of contractor

(a) A person who—

(1) performs service for a contractor or subcontractor in the transportation of mail;

(2) files his contract for service with the Postal Service; and

(3) files satisfactory evidence of performance with the Postal Service;

shall have a lien on money due the contractor or subcontractor for the service.

(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within 2 months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 767.)

§ 5007. Free transportation of postal employees

(a) Each person or carrier engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons on duty in charge of the mails or when traveling to and from such duty.

(b)(1) In this subsection, ''air carrier'' and ''aircraft'' have the same meanings given those terms in section 40102(a) of title 49.

(2) An air carrier engaged in transporting mail shall carry without charge on any plane it operates those agents and officers of the Postal Service traveling on official business related to transporting mail by aircraft, as prescribed by regulations of the Secretary of Transportation, on exhibiting credentials.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 768; Pub. L. 103–272, § 4(g)(1), July 5, 1994, 108 Stat. 1364.)

AMENDMENTS

1994—Pub. L. 103–272 designated existing provisions as subsec. (a) and added subsec. (b).

[CHAPTER 52—REPEALED]

[§§ 5201 to 5215. Repealed. Pub. L. 109–435, title X, § 1002(a)(1), Dec. 20, 2006, 120 Stat. 3254]

Section 5201, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 768; Pub. L. 95–473, § 2(a)(4)(A)–(C), Oct. 17, 1978, 92 Stat. 1465; Pub. L. 96–454, § 3(b)(2), Oct. 15, 1980, 94 Stat. 2012; Pub. L. 97–261, § 6(d)(4), Sept. 20, 1982, 96 Stat. 1107; Pub. L. 99–521, § 4(3), Oct. 22, 1986, 100 Stat. 2993; Pub. L. 104–88, title III, § 307(3)–(9), (14), Dec. 29, 1995, 109 Stat. 946, related to definitions.

Section 5202, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 768, related to applicability of chapter.

Section 5203, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 768; Pub. L. 95–473, § 2(a)(4)(D), Oct. 17, 1978, 92 Stat. 1465; Pub. L. 104–88, title III, § 307(10), (14), Dec. 29, 1995, 109 Stat. 946, related to authorization of service by carrier.

Section 5204, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 769, related to changes in service and placement of equipment.

Section 5205, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 769, related to evidence of service.

Section 5206, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 769, related to fines and deductions.

Section 5207, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 770; Pub. L. 104–88, title III, § 307(11), (14), Dec. 29, 1995, 109 Stat. 946, directed the Surface Transportation Board to fix rates.

Section 5208, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 770; Pub. L. 104–88, title III, § 307(12), (14), Dec. 29, 1995, 109 Stat. 946, related to procedures.

Section 5209, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 770; Pub. L. 104–88, title III, § 307(14), Dec. 29, 1995, 109 Stat. 946, related to special rates.

Section 5210, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771, related to intermodal transportation.

Section 5211, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771, related to statistical studies.

Section 5212, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771; Pub. L. 104–88, title III, § 307(14), Dec. 29, 1995, 109 Stat. 946, related to special contracts.

Section 5213, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771, related to carrier operations, receipts, and expenditures.

Section 5214, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771, related to agreements with passenger common carriers by motor vehicle.

Section 5215, Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 771; Pub. L. 95–473, § 2(a)(4)(E), Oct. 17, 1978, 92 Stat. 1465; Pub. L. 104–88, title III, § 307(12)–(14), Dec. 29, 1995, 109 Stat. 946, related to star route certification.

CHAPTER 54—TRANSPORTATION OF MAIL BY AIR

Sec.
5401. Authorization.
5402. Contracts for transportation of mail by air.
5403. Fines.

§ 5401. Authorization

(a) The Postal Service is authorized to provide for the safe and expeditious transportation of mail by aircraft.

(b) Except as otherwise provided in section 5402 of this title, the Postal Service may make such rules, regulations, and orders consistent with part A of subtitle VII of title 49, or any order, rule, or regulation made by the Secretary of Transportation thereunder, as may be necessary for such transportation.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 772; Pub. L. 98–443, § 9(g)(3), Oct. 4, 1984, 98 Stat. 1707; Pub. L. 103–272, § 5(k)(3), July 5, 1994, 108 Stat. 1375.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–272 substituted ''part A of subtitle VII'' for ''sections 1301–1542''.

1984—Subsec. (b). Pub. L. 98–443 substituted ''Secretary of Transportation'' for ''Civil Aeronautics Board''.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98–443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Chapter effective July 1, 1971, pursuant to Resolution No. 71–9 of the Board of Governors. See section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

§ 5402. Contracts for transportation of mail by air

(a) In this section—

(1) the term ''acceptance point'' means the point at which nonpriority bypass mail originates;

(2) the terms foreign air carrier,[1] ''air carrier'', ''interstate air transportation'', ''foreign air carrier''.[2] and ''foreign air transportation'' have the meanings given such terms in section 40102(a) of title 49, United States Code;

(3) the term ''base fare'' means the fare paid to the carrier issuing the passenger ticket or carrying nonmail freight which may entail service being provided by more than 1 carrier;

(4) the term ''bush carrier'' means a carrier operating aircraft certificated within the payload capacity requirements of subsection (g)(1)(A)(iv)(I) on a city pair route;

(5) the term ''bush passenger carrier'' means a passenger carrier that meets the requirements of subsection (g)(1)(A)(iv)(I) and provides passenger service on a city pair route;

(6) the term ''bush route'' means an air route in which only a bush carrier is tendered nonpriority bypass mail between the origination point, being either an acceptance point or a hub, as determined by the Postal Service, and the destination city;

(7) the term ''certificated air carrier'' means an air carrier that holds a certificate of public convenience and necessity issued under section 41102(a) of title 49;

(8) the term ''city pair'' means service between an origin and destination city pair;

(9) the term ''code-share relationship'' means a relationship pursuant to which any certificated air carrier or foreign air carrier's designation code is used to identify a flight operated by another air carrier or foreign air carrier;

(10) the term ''composite rate''—

(A) means a combination of mainline and bush linehaul rates and a single terminal handling payment at a bush terminal handling rate paid to a bush carrier for a direct flight from an acceptance point to a bush destination beyond a hub point; and

(B) shall be based on the mainline rate paid to the hub, plus the lowest bush rate paid to bush carriers in the State of Alaska for the distance traveled from the hub point to the destination point;

(11) the term ''equitable tender'' means the practice of the Postal Service of equitably distributing mail on a fair and reasonable basis between those air carriers that offer equivalent services and costs between 2 communities in accordance with the regulations of the Postal Service;

(12) the term ''existing mainline carrier'' means a mainline carrier (as defined in this subsection) that on January 1, 2001, was—

(A) certified under part 121;

(B) qualified to provide mainline nonpriority bypass mail service; and

(C) actually engaged in the carriage, on scheduled service within the State of Alaska, of mainline nonpriority bypass mail tendered to it under its designator code.[3]

[1] So in original. Probably should be set off by quotation marks and the term ''foreign air carrier'' probably should appear only once.

[2] So in original. The period probably should be a comma and the term ''foreign air carrier'' probably should appear only once.

[3] So in original. The period probably should be a semicolon.