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[CITE: 49USC41738]

TITLE 49--TRANSPORTATION  
SUBTITLE VII--AVIATION PROGRAMS  
PART A--AIR COMMERCE AND SAFETY  
subpart ii--economic regulation  
CHAPTER 417--OPERATIONS OF CARRIERS  
SUBCHAPTER II--SMALL COMMUNITY AIR SERVICE

Sec. 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, Sec. 1(e), July 5, 1994, 108 Stat. 1152.)

Historical and Revision Notes

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

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.

#### Section Referred to in Other Sections

This section is referred to in section 41110 of this title.