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Senate Report 104-333 - FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION ACT OF 1996

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Sec. [~~Struck out->~~] [40120.] [~~Struck out~~] **40123 Relationship to other laws**

(a) NONAPPLICATION- Except as provided in the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.), the navigation and shipping laws of the United States and the rules for the prevention of collisions do not apply to aircraft or to the navigation of vessels related to those aircraft.

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Subpart II--Economic Regulation

CHAPTER 417--OPERATIONS OF CARRIERS

SUBCHAPTER II--SMALL COMMUNITY AIR SERVICE

Sec. 41737. Compensation guidelines, limitations, and claims

(a) COMPENSATION GUIDELINES-

(1) The Secretary of Transportation shall prescribe guidelines governing the rate of compensation payable under this subchapter [49 U.S.C. 41731 et seq.]. The guidelines shall be used to determine the reasonable amount of compensation required to ensure the continuation of air service or air transportation under this subchapter [49 U.S.C. 41731 et seq.]. The guidelines shall--

(A) provide for a reduction in compensation when an air carrier does not provide service or transportation agreed to be provided;

(B) consider amounts needed by an air carrier to promote public use of the service or transportation for which compensation is being paid; and

(C) include expense elements based on representative costs of air carriers providing scheduled air transportation of passengers, property, and mail on aircraft of the type the Secretary decides is appropriate for providing the service or transportation for which compensation is being provided.

(2) Promotional amounts described in paragraph (1)(B) of this subsection shall be a special, segregated element of the compensation provided to a carrier under this subchapter [49 U.S.C. 41731 et seq.].

(b) REQUIRED FINDING- The Secretary may pay compensation to an air carrier for providing air service or air transportation under this subchapter [49 U.S.C. 41731 et seq.] only if the Secretary finds the carrier is able to provide the service or transportation in a reliable way.

(c) CLAIMS- Not later than 15 days after receiving a written claim from an air carrier for compensation under this subchapter [49 U.S.C. 41731 et seq.], the Secretary shall--

(1) pay or deny the United States Government's share of a claim; and

(2) if denying the claim, notify the carrier of the denial and the reasons for the denial.

(d) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS--

(1) The Secretary may make agreements and incur obligations from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to pay compensation under this subchapter [49 U.S.C. 41731 et seq.]. An agreement by the Secretary under this subsection is a contractual obligation of the Government to pay the Government's share of the compensation.

(2) Not more than \$38,600,000 is available to the Secretary out of the Fund for each of the fiscal years ending September 30, 1993-1998, to incur obligations under this section. Amounts made available under this section remain available until expended.

(e) MATCHING FUNDS- No earlier than 2 years after the effective date of section 679 of the Air Traffic Management System Performance Improvement Act of 1996, the Secretary may require an eligible agency, as defined in section 40117(a)(2) of this title, to provide matching funds of up to 10 percent for any payments it receives under this subchapter.

[Struck out->] [Sec. 41742. Ending effective date] **[<-Struck out]**

[Struck out->] [This subchapter [49 U.S.C. 41731 et seq.] is not effective after September 30, 1998.] **[<-Struck out]**

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