

the words “tariff for foreign air transportation” are substituted for “such tariffs” for clarity.

In subsection (b), before clause (1), the words “shipper, consignor, consignee, forwarder, broker, or other . . . or any director, officer, agent, or employee thereof” are omitted as surplus. In clause (1), the words “directly or indirectly, by any device or means” and “currently” are omitted as surplus. In clause (2), before subclause (A), the words “in any manner or by any device, directly or indirectly, through any agent or broker, or otherwise” are omitted as surplus. In subclause (B), the word “favor” is omitted as surplus.

§ 41511. Special prices for foreign air transportation

(a) FREE AND REDUCED PRICING.—This chapter does not prohibit an air carrier or foreign air carrier, under terms the Secretary of Transportation prescribes, from issuing or interchanging tickets or passes for free or reduced-price foreign air transportation to or for the following:

- (1) a director, officer, or employee of the carrier (including a retired director, officer, or employee who is receiving retirement benefits from an air carrier or foreign air carrier).
- (2) a parent or the immediate family of such an officer or employee or the immediate family of such a director.
- (3) a widow, widower, or minor child of an employee of the carrier who died as a direct result of a personal injury sustained when performing a duty in the service of the carrier.
- (4) a witness or attorney attending a legal investigation in which the air carrier is interested.
- (5) an individual injured in an aircraft accident and a physician or nurse attending the individual.
- (6) a parent or the immediate family of an individual injured or killed in an aircraft accident when the transportation is related to the accident.
- (7) an individual or property to provide relief in a general epidemic, pestilence, or other emergency.
- (8) other individuals under other circumstances the Secretary prescribes by regulation.

(b) SPACE-AVAILABLE BASIS.—Under terms the Secretary prescribes, an air carrier or foreign air carrier may grant reduced-price foreign air transportation on a space-available basis to the following:

- (1) a minister of religion.
- (2) an individual who is at least 60 years of age and no longer gainfully employed.
- (3) an individual who is at least 65 years of age.
- (4) an individual who has severely impaired vision or hearing or another physical or mental handicap and an accompanying attendant needed by that individual.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1139.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41511(a)	49 App.:1373(b)(1) (2d sentence). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(b)(1), (b)(1)(E)).	Aug. 23, 1958, Pub. L. 85-726, §403(b)(1) (2d- last sentences), 72 Stat. 759; July 12, 1960, Pub. L. 86-627, 74 Stat. 445; Jan. 3, 1975, Pub. L. 93-623, §8(a), 88 Stat. 2105; Nov. 9, 1977, Pub. L. 95-163, §8(a), 91 Stat. 1281. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(a)(4)(B) (related to §403(b)(1), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(c), (e), 98 Stat. 1703, 1704.
41511(b)	49 App.:1373(b)(1) (3d-last sentences). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(b)(1), (b)(1)(E)).	

In this section, the words “foreign air transportation” are substituted for “transportation” and “in the case of overseas or foreign air transportation” because 49 App.:1551(a)(4)(B) provides that 49 App.:1373 no longer applies to interstate or overseas air transportation and 49 App.:1376(a)–(e), restated in section 41901 of the revised title, governs rates for the transportation of mail by aircraft. See section 40102(a) of the revised title defining “air transportation” to mean interstate or foreign air transportation or the transportation of mail by aircraft. The word “conditions” is omitted as being included in “terms”.

In subsection (a)(7), the words “or other emergency” are substituted for “other calamitous visitation” for consistency.

In subsection (b)(2), the words “no longer gainfully employed” are substituted for “retired” and “For purposes of this subsection, the term ‘retired’ means no longer gainfully employed as defined by the Board” to eliminate unnecessary words.

In subsection (b)(4), the words “an individual who has severely impaired vision or hearing or another physical or mental handicap” are substituted for “handicapped person” and “For the purposes of this subsection, the term ‘handicapped person’ means any person who has severely impaired vision or hearing, and any other physically or mentally handicapped person, as defined by the Board” to eliminate unnecessary words.

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AMENDMENTS

2012—Pub. L. 112-95, title IV, § 403(b), Feb. 14, 2012, 126 Stat. 85, which directed amendment of analysis for “such subchapter”, meaning subchapter I of chapter 417, by adding item 41724 at the end, was executed by adding item 41724 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 112-95, title IV, §§ 401(b), 430, Feb. 14, 2012, 126 Stat. 83, 100, substituted “Prohibitions against smoking on passenger flights” for “Prohibitions against smoking on scheduled flights” in item 41706, and struck out item 41747 “EAS local participation program”.

2003—Pub. L. 108-176, title IV, §§ 408(b), 410(b), 422(b), title VIII, § 810(b), Dec. 12, 2003, 117 Stat. 2547, 2549, 2552, 2590, added items 41721 to 41723 and 41745 to 41748 and struck out former item 41721 “Reports by carriers on incidents involving animals during air transportation”.

2000—Pub. L. 106-181, title II, §§ 203(b), 204(b), 210(b), 231(j)(2), title VII, § 710(b), Apr. 5, 2000, 114 Stat. 93, 94, 102, 115, 160, added items 41715 to 41718, redesignated former items 41715 and 41716 as 41719 and 41720, respectively, and added items 41721, 41743, and 41744, subchapter III heading, and items 41761 to 41767.

1998—Pub. L. 105-277, div. C, title I, § 110(f)(2), Oct. 21, 1998, 112 Stat. 2681-590, which directed amendment of the analysis for subchapter I of chapter 417 by adding item 41716 without specifying the Code title or Act for chapter 417, was executed by adding item 41716 to this analysis to reflect the probable intent of Congress.

1996—Pub. L. 104-264, title II, § 278(d), Oct. 9, 1996, 110 Stat. 3250, substituted “Essential air service authorization” for “Ending effective date” in item 41742.

1994—Pub. L. 103-429, § 6(52), Oct. 31, 1994, 108 Stat. 4385, made technical correction to chapter heading.

¹ So in original. Does not conform to section catchline.

Pub. L. 103-305, title II, §§ 206(b), 207(b), Aug. 23, 1994, 108 Stat. 1587, 1588, added items 41714 and 41715.

SUBCHAPTER I—REQUIREMENTS

§ 41701. Classification of air carriers

The Secretary of Transportation may establish—

(1) reasonable classifications for air carriers when required because of the nature of the transportation provided by them; and

(2) reasonable requirements for each class when the Secretary decides those requirements are necessary in the public interest.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1140.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
41701	49 App.:1386(a).	Aug. 23, 1958, Pub. L. 85-726, § 416(a), 72 Stat. 771.
	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 this section, before clause (1), the words “from time to time” are omitted as unnecessary. In clauses (1) and (2), the word “just” is omitted as being included in “reasonable”. In clause (1), the word “groups” is omitted as being included in “classifications”. The words “transportation provided” are substituted for “services performed” for consistency in the revised title. In clause (2), the word “requirements” is substituted for “rules and regulations pursuant to and consistent with the provisions of this subchapter” as being more appropriate and for consistency in the revised title.

§ 41702. Interstate air transportation

An air carrier shall provide safe and adequate interstate air transportation.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1140.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
41702	49 App.:1374(a)(1).	Aug. 23, 1958, Pub. L. 85-726, § 404(a)(1), 72 Stat. 760; Mar. 22, 1972, Pub. L. 92-259, § 1, 86 Stat. 95; Oct. 24, 1978, Pub. L. 95-504, § 23, 92 Stat. 1724.
	49 App.:1551(a)(4)(C) (related to 49 App.:1374(a)(1)).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 1601(a)(4)(C) (related to § 404(a)(1)); added Oct. 4, 1984, Pub. L. 98-443, § 3(c), 98 Stat. 1703.

This section is substituted for 49 App.:1374(a)(1) because 49 App.:1551(a)(4)(C) provides that 49 App.:1374 no longer applies to interstate or overseas air transportation except insofar as 49 App.:1374 requires air carriers to provide safe and adequate service.

§ 41703. Navigation of foreign civil aircraft

(a) PERMITTED NAVIGATION.—A foreign aircraft, not part of the armed forces of a foreign country, may be navigated in the United States only—

(1) if the country of registry grants a similar privilege to aircraft of the United States;

(2) if by an airman holding a certificate or license issued or made valid by the United States Government or the country of registry;