

clause (B), the reference to 49 App.:1372 is omitted from the cross-references of “this subchapter” because 49 App.:1372 is concerned with foreign air carrier permits and not relevant to air carrier certificate revocation. The word “rule” is omitted as being synonymous with “regulation”. The words “condition, or limitation” are omitted as surplus.

In subsection (a)(3), the words “to the provision, or to the order (other than an order issued in accordance with this sentence), rule, regulation, term, condition, or limitation found by the Board to have been violated” are omitted as surplus.

In subsection (a)(4), the word “provide” is substituted for “engage in” for consistency in the revised title. The words “altered” and “the simplified procedures of” are omitted as surplus.

In subsection (b), the words “to the extent of such service” are omitted as surplus. The word “provided” is substituted for “performed” for consistency in the revised title.

In subsection (c)(1), the word “place” is substituted for “point” for consistency in the revised title. In clause (A), the cross-reference is to section 41734(a) of the revised title for clarity because 49 App.:1371(j) is obsolete. The comparable provision is 49 App.:1389(b)(2), restated as section 41734(a). The words “provided by that carrier” are omitted as surplus. In clause (B), the word “immediately” is added for clarity.

In subsection (d)(2), the words “alter” and “the procedures prescribed in” are omitted as surplus.

In subsections (e) and (f)(2), the word “amend” is added for consistency.

In subsection (e), before clause (1), the words “The requirement that each applicant for a certificate or any other authority . . . shall be a continuing requirement applicable to each such air carrier with respect to the transportation authorized by the Board” are omitted as surplus. The words “by order” are omitted as unnecessary because of 5:ch. 5, subch. II. In clause (1), the word “provide” is substituted for “perform” for consistency in the revised title. The word “properly” is omitted as surplus. The word “comply” is substituted for “conform to” for consistency in the revised title. The word “rules” is omitted as being synonymous with “regulations”. The word “requirements” is omitted as surplus.

In subsection (f), before clause (1), the words “Notwithstanding any other provision of law” are omitted as surplus. The words “on and after August 15, 1985” are omitted as executed. In clause (1), before subclause (A), the words “law enforcement and other” are omitted as surplus. The words “departments, agencies, and instrumentalities of the United States Government” are substituted for “agencies” for consistency in the revised title and with other titles of the Code. The words “an air carrier” are substituted for “any carrier” for clarity. In clause (2), the words “of public convenience and necessity” are omitted as surplus. The words “issued under this chapter” are added for clarity.

In subsection (g), the word “response” is substituted for “protest or memorandum” to eliminate unnecessary words. The word “alteration” is omitted as surplus.

PUB. L. 103-429

This amends 49:41110(e) to clarify the restatement of 49 App.:1371(r) (related to certificate) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1124).

AMENDMENTS

1994—Subsec. (e). Pub. L. 103-429 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “After notice and an opportunity for a hearing, the Secretary shall amend, modify, suspend, or revoke any part of a certificate issued under section 41102 of this title if the Secretary finds that the air carrier—

“(1) is not fit, willing, and able to continue to provide the transportation authorized by the certificate and to comply with this part and regulations of the Secretary; or

“(2) does not file reports necessary for the Secretary to decide if the carrier is complying with the requirements of clause (1) of this subsection.”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

**§ 41111. Simplified procedure to apply for, amend, modify, suspend, and transfer certificates**

(a) GENERAL REQUIREMENTS.—(1) The Secretary of Transportation shall prescribe regulations that simplify the procedure for—

(A) acting on an application for a certificate to provide air transportation under section 41102 of this title; and

(B) amending, modifying, suspending, or transferring any part of that certificate under section 41105 or 41110(a) or (c) of this title.

(2) Regulations under this section shall provide for notice and an opportunity for each interested person to file appropriate written evidence and argument. An oral evidentiary hearing is not required to be provided under this section.

(b) WHEN SIMPLIFIED PROCEDURE USED.—The Secretary may use the simplified procedure to act on an application for a certificate to provide air transportation under section 41102 of this title, or to amend, modify, suspend, or transfer any part of that certificate under section 41105 or 41110(a) or (c) of this title, when the Secretary decides the use of the procedure is in the public interest.

(c) CONTENTS.—(1) To the extent the Secretary finds practicable, regulations under this section shall include each standard the Secretary will apply when—

(A) deciding whether to use the simplified procedure; and

(B) making a decision on an action in which the procedure is used.

(2) The regulations may provide that written evidence and argument may be filed under section 41108(b) of this title as a part of a response opposing or supporting the issuance of a certificate.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1125.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41111(a) .....	49 App.:1371(p)(1) (1st, 2d sentences).  49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §401(p); added Oct. 24, 1978, Pub. L. 95-504, §21(a)(1), 92 Stat. 1723.  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.
41111(b) .....	49 App.:1371(p)(2) (1st sentence).	
41111(c) .....	49 App.:1551(b)(1)(E). 49 App.:1371(p)(1) (last sentence), (2) (last sentence). 49 App.:1551(b)(1)(E).	

In this section, the words “acting on” and “act on” are substituted for “disposition of” for consistency.

In subsection (a)(1)(A), the word “provide” is substituted for “engage in” for consistency in the revised title.

In subsection (a)(1)(B), the word “alteration” is omitted as surplus.

In subsection (a)(2), the word “adequate” is omitted as surplus.

In subsection (b), the words “to act on an application for a certificate to provide air transportation under section 41102 of this title, or to amend, modify, suspend, or transfer any part of that certificate under section 41105 or 41110(a) or (c) of this title” are added for clarity.

In subsection (c)(2), the words “by such person” are omitted as surplus. The words “a response opposing or supporting the issuance of a certificate” are substituted for “a protest or memorandum filed with respect to such application” for consistency.

#### § 41112. Liability insurance and financial responsibility

(a) **LIABILITY INSURANCE.**—The Secretary of Transportation may issue a certificate to a citizen of the United States to provide air transportation as an air carrier under section 41102 of this title only if the citizen complies with regulations and orders of the Secretary governing the filing of an insurance policy or self-insurance plan approved by the Secretary. The policy or plan must be sufficient to pay, not more than the amount of the insurance, for bodily injury to, or death of, an individual or for loss of, or damage to, property of others, resulting from the operation or maintenance of the aircraft under the certificate. A certificate does not remain in effect unless the carrier complies with this subsection.

(b) **FINANCIAL RESPONSIBILITY.**—To protect passengers and shippers using an aircraft operated by an air carrier issued a certificate under section 41102 of this title, the Secretary may require the carrier to file a performance bond or equivalent security in the amount and on terms the Secretary prescribes. The bond or security must be sufficient to ensure the carrier adequately will pay the passengers and shippers when the transportation the carrier agrees to provide is not provided. The Secretary shall prescribe the amounts to be paid under this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1126.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41112 .....	49 App.:1371(q).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §401(q); added Oct. 24, 1978, Pub. L. 95–504, §20(d)(1), 92 Stat. 1722.
	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), the words “citizen of the United States” and “citizen” are substituted for “applicant for such certificate or the air carrier” for clarity and consistency because only a citizen of the United States may be an “air carrier” as defined in section 40102(a) of the revised title and receive a certificate. The words “as the case may be” are omitted as surplus. The words “to provide air transportation as an air carrier under section 41102 of this title” are added for clarity. The words “approved by the Secretary” are substituted for “governing the filing and approval . . . in the amount prescribed by the Board” to eliminate unnecessary words. The words “The policy or plan must be suffi-

cient to pay” are substituted for “which are conditioned to pay . . . amounts” for clarity. The words “for which such applicant or such air carrier may become liable for” are omitted as surplus.

In subsection (b), the word “passengers” is substituted for “travelers” for consistency in this chapter. The words “issued . . . under section 41102 of this title” are added for clarity. The word “arrangement” is omitted as surplus. The word “provide” is substituted for “perform” for consistency in the revised title.

#### § 41113. Plans to address needs of families of passengers involved in aircraft accidents

(a) **SUBMISSION OF PLANS.**—Each air carrier holding a certificate of public convenience and necessity under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident involving an aircraft of the air carrier and resulting in a major loss of life.

(b) **CONTENTS OF PLANS.**—A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the air carrier.

(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the pas-