

take effect on the 180th day following the date of the enactment of this Act [Apr. 5, 2000]. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary [of Transportation] and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3)."

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

UPDATE PLANS

Pub. L. 108-176, title VIII, §809(c), Dec. 12, 2003, 117 Stat. 2589, provided that: "Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section [amending this section and section 41313 of this title] not later than 90 days after the date of enactment of this Act [Dec. 12, 2003]."

ESTABLISHMENT OF TASK FORCE

Pub. L. 104-264, title VII, §704, Oct. 9, 1996, 110 Stat. 3268, provided that:

"(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.

"(b) GUIDELINES AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

"(1) guidelines to assist air carriers in responding to aircraft accidents;

"(2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;

"(3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;

"(4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;

"(5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and

"(6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including—

"(A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;

"(B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A);

"(C) an analysis of any inconvenience to passengers, including flight delays, that would result if

air carriers were required to take the steps described in subparagraph (A); and

"(D) an analysis of the implications for personal privacy that would result if air carriers were required to take the steps described in subparagraph (A).

"(c) REPORT.—Not later than 1 year after the date of the enactment of this Act [Oct. 9, 1996], the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b)."

LIMITATION ON STATUTORY CONSTRUCTION

Pub. L. 104-264, title VII, §705, Oct. 9, 1996, 110 Stat. 3269, provided that: "Nothing in this title [enacting this section and section 1136 of this title, amending section 1155 of this title, and enacting provisions set out as notes under this section and section 40101 of this title] or any amendment made by this title may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident."

CHAPTER 413—FOREIGN AIR TRANSPORTATION

Sec.

41301. Requirement for a permit.
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AMENDMENTS

1997—Pub. L. 105-148, §1(b), Dec. 16, 1997, 111 Stat. 2683, added item 41313.

1994—Pub. L. 103-429, §6(51)(B), Oct. 31, 1994, 108 Stat. 4385, added item 41312.

Pub. L. 103-305, title II, §205(a)(2), Aug. 23, 1994, 108 Stat. 1583, added item 41311.

§ 41301. Requirement for a permit

A foreign air carrier may provide foreign air transportation only if the foreign air carrier holds a permit issued under this chapter authorizing the foreign air transportation.

(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)
41301	49 App.:1372(a).	Aug. 23, 1958, Pub. L. 85-726, §402(a), 72 Stat. 757.

The word "provide" is substituted for "engage in" for consistency in the revised title. The word "holds" is substituted for "there is in force" to eliminate unnecessary words.

§ 41302. Permits of foreign air carriers

The Secretary of Transportation may issue a permit to a person (except a citizen of the

United States) authorizing the person to provide foreign air transportation as a foreign air carrier if the Secretary finds that—

(1) the person is fit, willing, and able to provide the foreign air transportation to be authorized by the permit and to comply with this part and regulations of the Secretary; and

(2)(A) the person is qualified, and has been designated by the government of its country, to provide the foreign air transportation under an agreement with the United States Government; or

(B) the foreign air transportation to be provided under the permit will be in the public interest.

(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)
41302	49 App.:1372(b). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §402(b), 72 Stat. 758; re-stated Feb. 15, 1980, Pub. L. 96-192, §7, 94 Stat. 38. 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 “person (except a citizen of the United States)” and “person” are substituted for “applicant” for clarity and consistency because only a person other than a United States citizen may be a “foreign air carrier” as defined in section 40102(a) of the revised title. In clauses (1) and (2), the word “provide” is substituted for “perform” for consistency in the revised title. In clause (1), the word “properly” is omitted as surplus. The word “comply” is substituted for “conform” for consistency in the revised title. The word “rules” is omitted as being synonymous with “regulations”. The word “requirements” is omitted as surplus. In clause (2)(A), the words “government of its country” are substituted for “its government” for consistency in the revised title and with other titles of the United States Code.

§ 41303. Transfers of permits

A permit issued under section 41302 of this title may be transferred only when the Secretary of Transportation approves the transfer because the transfer is in the public interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1127.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41303	49 App.:1372(g). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §402(g), 72 Stat. 758. 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.

§ 41304. Effective periods and amendments, modifications, suspensions, and revocations of permits

(a) GENERAL.—The Secretary of Transportation may prescribe the period during which a permit issued under section 41302 of this title is in effect. After notice and an opportunity for a hearing, the Secretary may amend, modify, suspend, or revoke the permit if the Secretary finds that action to be in the public interest.

(b) SUSPENSIONS AND RESTRICTIONS.—Without a hearing, but subject to the approval of the President, the Secretary—

(1) may suspend summarily the permits of foreign air carriers of a foreign country, or amend, modify, or limit the operations of the foreign air carriers under the permits, when the Secretary finds—

(A) the action is in the public interest; and

(B) the government, an aeronautical authority, or a foreign air carrier of the foreign country, over the objection of the United States Government, has—

(i) limited or denied the operating rights of an air carrier; or

(ii) engaged in unfair, discriminatory, or restrictive practices that have a substantial adverse competitive impact on an air carrier related to air transportation to, from, through, or over the territory of the foreign country; and

(2) to make this subsection effective, may restrict operations between the United States and the foreign country by a foreign air carrier of a third country.

(c) ILLEGAL IMPORTATION OF CONTROLLED SUBSTANCES.—The Secretary—

(1) in consultation with appropriate departments, agencies, and instrumentalities of the Government, shall reexamine immediately the fitness of a foreign air carrier that—

(A) violates the laws and regulations of the United States related to the illegal importation of a controlled substance; or

(B) does not adopt available measures to prevent the illegal importation of a controlled substance into the United States on its aircraft; and

(2) when appropriate, shall amend, modify, suspend, or revoke the permit of the carrier issued under this chapter.

(d) RESPONSES.—An interested person may file a response with the Secretary opposing or supporting the amendment, modification, suspension, or revocation of a permit under subsection (a) of this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1127.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41304(a)	49 App.:1372(e) (related to duration of permits). 49 App.:1372(f)(1) (1st sentence). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §402(e) (related to duration of permits), 72 Stat. 758. Aug. 23, 1958, Pub. L. 85-726, §402(f)(1), 72 Stat. 758; Feb. 15, 1980, Pub. L. 96-192, §9, 94 Stat. 38. 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.
41304(b)	49 App.:1372(f)(2).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §402(f)(2); added Feb. 15, 1980, Pub. L. 96-192, §9, 94 Stat. 38.
41304(c)	49 App.:1551(b)(1)(E). 49 App.:1371a (related to permit).	Aug. 15, 1985, Pub. L. 99-88, §100 (1st complete par. related to permit on p. 352), 99 Stat. 352.
41304(d)	49 App.:1372(f)(1) (last sentence). 49 App.:1551(b)(1)(E).	