

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41509(c)(1) ..	49 App.:1551(a)(4)(B) (related to 49 App.:1373(c)(3)), (b)(1)(E). 49 App.:1482(j)(1) (4th sentence), (2) (3d sentence).	
41509(c)(2) ..	49 App.:1551(b)(1)(E). 49 App.:1482(j)(1) (5th, last sentences).	
41509(c)(3) ..	49 App.:1482(j)(2) (last sentence).	
41509(d) .....	49 App.:1482(j)(3).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1002(j)(3), (4); added Mar. 22, 1972, Pub. L. 92-259, § 3(a), 86 Stat. 98.
41509(e) (1)(A).	49 App.:1551(b)(1)(E). 49 App.:1482(j)(7).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1002(j)(6), (7), (9), (10); added Feb. 15, 1980, Pub. L. 96-192, §24(a), 94 Stat. 45, 47.
41509(e) (1)(B).	49 App.:1482(j)(9).	
41509(e)(2), (3).	49 App.:1551(b)(1)(E). 49 App.:1482(j)(6), (10).	
41509(f) .....	49 App.:1551(b)(1)(E). 49 App.:1461(b).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §801(b); added Mar. 22, 1972, Pub. L. 92-259, § 2, 86 Stat. 96.
41509(g) .....	49 App.:1551(b)(1)(E). 49 App.:1482(j)(4). 49 App.:1551(b)(1)(E).	

In subsection (a)(1) and (2), the words “take action to” are omitted as surplus.

In subsection (a)(1), the words “individual or joint (between air carriers, between foreign air carriers, or between an air carrier or carriers and a foreign air carrier or carriers)” and “and, if it so orders” are omitted as surplus. The words “unreasonable or unreasonably discriminatory” are substituted for “unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial” for consistency in the revised title and to eliminate unnecessary words. See the revision notes following 49:10101.

In subsection (a)(3), before clause (A), the words “In deciding whether to cancel or reject a tariff of an air carrier or foreign air carrier under this subsection” are substituted for “In exercising and performing its powers and duties under this subsection with respect to the rejection or cancellation of rates for the carriage of persons or property” for consistency in this section and to eliminate unnecessary words. In clause (B), the words “of persons and property” are omitted as surplus.

In subsection (b)(1), the words “contained in the tariff” are added for clarity.

In subsection (b)(1)(A), the words “such hearing and” are omitted as surplus.

In subsection (b)(1)(B), the words “or in the case of” are omitted as surplus.

In subsection (b)(2), the text of 49 App.:1373(c)(3) is omitted as obsolete. Reference to 49 App.:1482(g) is omitted because 49 App.:1482(g) does not relate to foreign air transportation and 49 App.:1551(a)(5)(D) provides that 49 App.:1482(g) ceased to be in effect on January 1, 1985, except insofar as it related to foreign air transportation. Reference to 49 App.:1482(j) is omitted because it consistently has been interpreted that the minimum notice requirement does not apply to foreign air transportation.

In subsection (b)(3), the words “for periods totaling not more than 365 days after” are substituted for “a period or periods not exceeding 365 days in the aggregate beyond the time when” and “a period or periods not exceeding 365 days in the aggregate from” to eliminate unnecessary words.

In subsection (c)(1), the words “a tariff is suspended pending the outcome of a proceeding under subsection (a) of this section” are added for clarity. The words “and the Secretary does not take final action in the

proceeding during the suspension period” are substituted for “the proceeding has not been concluded and an order made within the period of suspension or suspensions” and “the proceeding has not been concluded within the period of suspension or suspensions” to eliminate unnecessary words. The words “or if the Board shall otherwise so direct” are omitted as surplus because under subsection (b)(3) of this section the Secretary may rescind a suspension at any time.

In subsection (c)(2)(A), before clause (i), the words “or suspensions” are omitted because of 1:1. In clause (i), the words “corresponding seasonal” are added for clarity.

In subsection (c)(2)(B) and (3), the words “providing the same transportation” are substituted for “engaged in the same foreign air transportation” for consistency in this chapter and to eliminate unnecessary words.

In subsection (c)(2)(B), the words “of the carrier for the covered transportation” and “during the period of suspension or” are added for clarity.

In subsection (c)(3), the words “If an existing tariff is suspended or canceled” are added for clarity. The words “following cancellation of an existing tariff” are omitted as surplus.

In subsection (d), the word “properly” is omitted as surplus. In clause (1)(A), the words “the operation of” are omitted as surplus. The words “periods totaling not more than 365 days after the date of the suspension” are substituted for “for a period or periods not exceeding three hundred and sixty-five days in the aggregate from the date of such suspension” for clarity and to eliminate unnecessary words. In subclause (B), the words “or suspensions” are omitted because of 1:1. In clause (2), the words “by the Secretary” are added for clarity.

In subsection (e)(1)(B), the words “within 30 days after February 15, 1980” are omitted as executed. The words “as the case may be” are omitted as surplus.

In subsection (e)(2), the text of 49 App.:1482(j)(6)(A) is omitted as expired. The words “with respect to any proposed increase filed with the Board after the 180th day after February 15, 1980” and “with respect to any proposed decrease filed after February 15, 1980” are omitted as obsolete. The words “of persons” are omitted as surplus because a “fare” is only for passengers. The words “The Secretary by regulation may increase the 50 percent specified in this paragraph” are substituted for 49 App.:1482(j)(10) for clarity.

In subsection (e)(3)(A), the words “unreasonably discriminatory” are substituted for “unduly preferential, unduly prejudicial, or unjustly discriminatory” to eliminate unnecessary words and for consistency in the revised title. See the revision notes following 49:10101.

In subsection (g), the words “express” and “now . . . or hereafter issued” are omitted as surplus. The words “may provide foreign air transportation only as long as” are substituted for “shall be a condition to the continuation of the affected service” for clarity.

REFERENCES IN TEXT

Section 1002(j)(8) of the Federal Aviation Act of 1958, referred to in subsec. (e)(1)(A)(i), is section 1002(j)(8) of Pub. L. 85-726, which was classified to section 1482(j)(8) of former Title 49, Transportation, prior to repeal by Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379.

§ 41510. Required adherence to foreign air transportation tariffs

(a) PROHIBITED ACTIONS BY AIR CARRIERS, FOREIGN AIR CARRIERS, AND TICKET AGENTS.—An air carrier, foreign air carrier, or ticket agent may not—

(1) charge or receive compensation for foreign air transportation that is different from the price specified in the tariff of the carrier that is in effect for that transportation;

(2) refund or remit any part of the price specified in the tariff; or

(3) extend to any person a privilege or facility, related to a matter required by the Secretary of Transportation to be specified in a tariff for foreign air transportation, except as specified in the tariff.

(b) PROHIBITED ACTIONS BY ANY PERSON.—A person may not knowingly—

(1) pay compensation for foreign air transportation of property that is different from the price specified in the tariff in effect for that transportation; or

(2) solicit, accept, or receive—

(A) a refund or remittance of any part of the price specified in the tariff; or

(B) a privilege or facility, related to a matter required by the Secretary to be specified in a tariff for foreign air transportation of property, except as specified in the tariff.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1138.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41510(a) .....	49 App.:1373(b)(1) (1st 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) (1st sentence), 72 Stat. 759; restated Jan. 3, 1975, Pub. L. 93-623, §§7(a), 8(a), 88 Stat. 2105.  Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(a)(4)(B) (related to §403(b)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(c), (e), 98 Stat. 1703, 1704.
41510(b) .....	49 App.:1373(b)(2).  49 App.:1551(a)(4)(B) (related to 49 App.:1373(b)(2)), (b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §403(b)(2); added Jan. 3, 1975, Pub. L. 93-623, §8(a), 88 Stat. 2105.

In this section, the words “greater or less” are omitted as being included in “different”. The words “foreign air transportation” are substituted for “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 prices 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 words “for any service in connection therewith” are omitted as surplus because the word “transportation” includes any services related to the transportation.

In subsection (a), before clause (1), the words “may not” are substituted for “no . . . shall” and “no . . . shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise” for clarity and to eliminate unnecessary words. In clause (1), the words “demand or collect” are omitted as being included in “charge or receive”. The words “then currently” are omitted as surplus. In clause (3), the words “tariff for foreign air transportation” are substituted for “such tariffs” for clarity.

In subsection (b), before clause (1), the words “shipper, consignee, consignor, 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, §9(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).	