

for certification purposes of the Administration only, is authorized—

(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616);¹ and

(B) to receive relevant criminal history record information regarding the airman checked.

(2) RELEASE OF INFORMATION.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and procedures established by the Department of Justice or the State, as appropriate, for other governmental agencies conducting background checks for noncriminal justice purposes.

(3) LIMITATION.—The Administrator may not use the authority under paragraph (1) to conduct criminal investigations.

(4) REIMBURSEMENT.—The Administrator may collect reimbursement to process the fingerprint-based checks under this subsection, to be used for expenses incurred, including Federal Bureau of Investigation fees, in providing these services.

(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who may carry out the authority described in subsection (a).

(Added Pub. L. 112-95, title VIII, §802(a), Feb. 14, 2012, 126 Stat. 118.)

REFERENCES IN TEXT

Section 217 of the National Crime Prevention and Privacy Compact Act of 1998, referred to in subsec. (a)(1)(A), is section 217 of subtitle A of title II of Pub. L. 105-251, which was classified to section 14616 of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 40316 of Title 34, Crime Control and Law Enforcement.

SUBPART II—ECONOMIC REGULATION

CHAPTER 411—AIR CARRIER CERTIFICATES

Sec.	
41101.	Requirement for a certificate.
41102.	General, temporary, and charter air transportation certificates of air carriers.
41103.	All-cargo air transportation certificates of air carriers.
41104.	Additional limitations and requirements of charter air carriers.
41105.	Transfers of certificates.
41106.	Airlift service.
41107.	Transportation of mail.
41108.	Applications for certificates.
41109.	Terms of certificates.
41110.	Effective periods and amendments, modifications, suspensions, and revocations of certificates.
41111.	Simplified procedure to apply for, amend, modify, suspend, and transfer certificates.
41112.	Liability insurance and financial responsibility.

¹ See References in Text note below.

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

AMENDMENTS

1996—Pub. L. 104-264, title VII, §703(b), Oct. 9, 1996, 110 Stat. 3268, added item 41113.

§ 41101. Requirement for a certificate

(a) GENERAL.—Except as provided in this chapter or another law—

(1) an air carrier may provide air transportation only if the air carrier holds a certificate issued under this chapter authorizing the air transportation;

(2) a charter air carrier may provide charter air transportation only if the charter air carrier holds a certificate issued under this chapter authorizing the charter air transportation; and

(3) an air carrier may provide all-cargo air transportation only if the air carrier holds a certificate issued under this chapter authorizing the all-cargo air transportation.

(b) THROUGH SERVICE AND JOINT TRANSPORTATION.—A citizen of the United States providing transportation in a State of passengers or property as a common carrier for compensation with aircraft capable of carrying at least 30 passengers, under authority granted by the appropriate State authority—

(1) may provide transportation for passengers and property that includes through service by the citizen over its routes in the State and in air transportation by an air carrier or foreign air carrier; and

(2) subject to sections 41309 and 42111 of this title, may make an agreement with an air carrier or foreign air carrier to provide the joint transportation.

(c) PROPRIETARY OR EXCLUSIVE RIGHT NOT CONFERRED.—A certificate issued under this chapter does not confer a proprietary or exclusive right to use airspace, an airway of the United States, or an air navigation facility.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1118.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41101(a)(1) ..	49 App.:1371(a).	Aug. 23, 1958, Pub. L. 85-726, §401(a), (i), 72 Stat. 754, 756.
41101(a)(2) ..	49 App.:1301(14) (related to certificate).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §101(14) (related to certificate); added Oct. 24, 1978, Pub. L. 95-504, §2(a)(1), 92 Stat. 1705.
41101(a)(3) ..	(no source).	
41101(b)	49 App.:1371(d) (4)(A)(i), (ii) (related to joint services).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §401(d) (4)(A)(i), (ii) (related to joint services); added Nov. 9, 1977, Pub. L. 95-163, §9, 91 Stat. 1281; restated Oct. 24, 1978, Pub. L. 95-504, §9, 92 Stat. 1713.
41101(c)	49 App.:1371(i).	

In subsections (a)(2) and (c), the words “issued under this chapter” are added for clarity.

In subsection (a), the word “provide” is substituted for “engage in” for consistency in the revised title. The words before clause (1) are added to inform the reader that other provisions of the chapter and other laws