

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.
41302. Permits of foreign air carriers.
41303. Transfers of permits.
41304. Effective periods and amendments, modifications, suspensions, and revocations of permits.
41305. Applications for permits.
41306. Simplified procedure to apply for, amend, modify, and suspend permits.
41307. Presidential review of actions about foreign air transportation.
41308. Exemption from the antitrust laws.
41309. Cooperative agreements and requests.
41310. Discriminatory practices.
41311. Gambling restrictions.
41312. Ending or suspending foreign air transportation.
41313. Plans to address needs of families of passengers involved in foreign air carrier accidents.

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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