Office of the Secretary, DOT

§ 375.31

right of the State where such embar-
kation or discharge takes place to im-
pose such regulations, conditions or
limitations as it may consider desir-
able. The U.S. Congress by the 1953
amendment to section 6 of the Air
Commerce Act of 1926, now designated
as section 1108(b) of the Act, authorizes
the Department to permit such oper-
ations only where conditions of reci-
procity and the interest of the public
in the United States are met. Thus, the
operator of any foreign registered air-
craft is not entitled as a matter of
right to the issuance, renewal or free-
dom from modification or change in a
permit issuable pursuant to this au-
thority. Accordingly, any authority
conferred by this part may be withheld,
revoked, amended, modified, restricted,
suspended, withdrawn, or canceled by
the Department in the interest of the
public of the United States, without
notice or hearing.

§ 375.20 Airworthiness and registra-
tion certificates.

Foreign civil aircraft shall carry cur-
rently effective certificates of registra-
tion and airworthiness issued or ren-
dered valid by the country of registry
and shall display the nationality and
registration markings of that country.
However, a foreign civil aircraft may
carry, in lieu of such certificate of air-
worthiness, an effective special flight
authorization issued by the Federal
Aviation Administration for the oper-
ations being performed.

§ 375.21 Airmen.

Members of the flight crew of a for-

ground civil aircraft shall have in their

personal possession valid airman cer-
tificates or licenses authorizing them
to perform their assigned functions in
the aircraft and for the operation in-
volved issued or rendered valid by the
country of registry of the aircraft or by
the United States. No such flight crew
members shall perform any flight duty
within the United States that they are
not currently authorized to perform in
the country issuing or validating the
certificate.

§ 375.22 Flight operations.

Flights of foreign civil aircraft in the
United States shall be conducted in ac-
cordance with the currently applicable
rules of the Federal Aviation Adminis-
tration.

§ 375.23 Maximum allowable weights.

Foreign civil aircraft that are per-
mitted to navigate in the United
States on the basis of foreign air-
worthiness certificates must conform
to the limitations on maximum certifi-
cated weights prescribed or authorized
for the particular variation of the air-
craft type, and for the particular cat-
ger of use, by the country of manu-
ufacture of the aircraft type involved.

§ 375.24 Entry and clearance.

All U.S. entry and clearance require-
ments for aircraft, passengers, crews,
baggage and cargo shall be followed.

§ 375.25 Unauthorized operations.

No foreign civil aircraft shall be
navigated in the United States unless
authorized by this part. Commercial
air operations (other than those au-
thorized by § 375.36) shall not be under-
taken without a permit issued by the
Department.

§ 375.26 Waiver of sovereign immunity.

Owners and operators of aircraft op-
erated under this part that are engaged
in proprietary of commercial activities
waive any defense of sovereign immu-
nity from suit in any action or pro-
ceeding instituted against any of them
in any court or other tribunal in the
United States for any claim relating to
that operation.

Subpart D—Authorized Operations

§ 375.30 Operations other than com-
mercial air operations.

Foreign civil aircraft that are not en-
gaged in commercial air operations
into, out of, or within the United
States may be operated in the United
States and may carry non-revenue traf-
cic to, from or between points in the
United States.
§ 375.32 Flights incidental to agricultural and industrial operations outside the United States.

Foreign civil aircraft that are engaged in agricultural or industrial operations to be performed wholly outside the United States may be navigated into, out of, and within the United States in connection with those operations provided that the aircraft is not at the time engaged in the carriage of passengers, cargo, or mail for remuneration or hire.

§ 375.33 Transit flights, irregular operations.

Foreign civil aircraft carrying passengers, property or mail for remuneration or hire, but not engaged in scheduled international air services, are authorized to navigate nonstop across the territory of the United States and to make stops for non-traffic purposes. The navigation of foreign civil aircraft in the United States is not authorized under this section when the elapsed time between landing and takeoff at a stop in the United States exceeds 24 hours and passengers are permitted to leave the airport or when passengers, property or mail are transferred to another aircraft. Flights involving stops under such circumstances may, however, be performed in the case of emergency relating to the safety of the aircraft, passengers, cargo or crew.

§ 375.34 Indoctrination training.

Foreign civil aircraft may be operated in the United States for the purpose of giving indoctrination training in the operation of the aircraft concerned to a buyer or a buyer’s employees or designees. This section does not, however, authorize foreign civil aircraft to be used within the United States for the purpose of flight instruction for remuneration or hire.

§ 375.35 Free transportation.

(a) Foreign civil aircraft may be navigated in the United States by a foreign air carrier for the transportation of persons and property specified in paragraph (b) of this section over the following non-traffic segments provided such transportation is not for compensation or hire:

1. Between two or more points in the United States;
2. Between a point in the United States named in the carrier’s section 402 permit or exemption, and a point outside the United States not so named, when authorized in accordance with the provisions of part 216 of this chapter to carry blind sector traffic to or from such unnamed foreign point; and
3. Between a point in the United States and a point outside thereof when the carrier lands at the United States point for non-traffic purposes in exercise of the privilege granted under the International Air Services Transit Agreement.

(b) Free transportation may be provided under this section for the following categories of persons and property:

1. Directors, officers and employees, and their parents and immediate families, of the foreign air carrier operating the aircraft;
2. Directors, officers and employees, and their parents and immediate families, of an air carrier or another foreign air carrier traveling pursuant to a pass interchange arrangement;
3. Travel agents being transported for the purpose of familiarizing themselves with the carrier’s services, if the agents are under no obligation to sell the transporting carrier’s services;
4. Witnesses and attorneys attending any legal investigation in which any such foreign air carrier is involved;
5. Persons injured in aircraft accidents and physicians and nurses attending such persons;
6. Any persons or property with the object of providing relief in cases of general epidemic, natural disaster or other catastrophe;
7. Any person who has the duty of guarding foreign government officials travelling on official business; and
8. Guests of a foreign air carrier (including members of the press) on delivery flights of newly-acquired or newly-renovated aircraft.