

derstand (i) the trafficking of controlled substances (as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]), and (ii) the role of such Administration with respect to such trafficking.

“(5) The progress made in improving and expanding such Administration’s role in the El Paso Intelligence Center.”

APPLICABILITY OF PAPERWORK REDUCTION ACT

Pub. L. 100-690, title VII, §7211(b), Nov. 18, 1988, 102 Stat. 4433, provided that: “No information collection requests necessary to carry out the objectives of this subtitle [subtitle E (§§7201-7214) of title VI of Pub. L. 100-690, see Tables for classification] (including the amendments made by this subtitle) shall be subject to or affect, directly or indirectly, the annual information collection budget goals established for the Federal Aviation Administration and the Department of Transportation under chapter 35 of title 44, United States Code.”

§ 44112. Limitation of liability

(a) DEFINITIONS.—In this section—

(1) “lessor” means a person leasing for at least 30 days a civil aircraft, aircraft engine, or propeller.

(2) “owner” means a person that owns a civil aircraft, aircraft engine, or propeller.

(3) “secured party” means a person having a security interest in, or security title to, a civil aircraft, aircraft engine, or propeller under a conditional sales contract, equipment trust contract, chattel or corporate mortgage, or similar instrument.

(b) LIABILITY.—A lessor, owner, or secured party is liable for personal injury, death, or property loss or damage only when a civil aircraft, aircraft engine, or propeller is in the actual possession or operational control of the lessor, owner, or secured party, and the personal injury, death, or property loss or damage occurs because of—

- (1) the aircraft, engine, or propeller; or
(2) the flight of, or an object falling from, the aircraft, engine, or propeller.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1167; Pub. L. 115-254, div. B, title V, §514, Oct. 5, 2018, 132 Stat. 3358.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44112, 49 App.:1404, Aug. 23, 1958, Pub. L. 85-726, §504, 72 Stat. 774; restated July 8, 1959, Pub. L. 86-81, §2, 73 Stat. 180.

In subsection (a), clauses (1) and (3) are derived from 49 App.:1404 (2d-57th words). Clause (2) is added for clarity. In clause (1), the words “bona fide” are omitted as surplus. In clause (3), the word “nature” is omitted as surplus.

In subsection (b), before clause (1), the words “personal injury, death” are substituted for “any injury to or death of persons”, and the words “on land or water” are substituted for “on the surface of the earth (whether on land or water)”, to eliminate unnecessary words. In clause (2), the words “ascent, descent, or” and “dropping or” are omitted as surplus.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-254, in introductory provisions, struck out “on land or water” before “only when” and inserted “operational” before “control”.

§ 44113. Definitions

In this chapter, the following definitions apply:

(1) CAPE TOWN TREATY.—The term “Cape Town Treaty” means the Convention on International Interests in Mobile Equipment, as modified by the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, signed at Rome on May 9, 2003.

(2) UNITED STATES ENTRY POINT.—The term “United States Entry Point” means the Federal Aviation Administration Civil Aviation Registry.

(3) INTERNATIONAL REGISTRY.—The term “International Registry” means the registry established under the Cape Town Treaty.

(Added Pub. L. 108-297, §6(a), Aug. 9, 2004, 118 Stat. 1097.)

EFFECTIVE DATE

Section effective Mar. 1, 2006, and not applicable to any registration or recordation that was made before such date under this chapter or any legal rights relating to such registration or recordation, see section 7 of Pub. L. 108-297, set out as an Effective Date of 2004 Amendment note under section 44101 of this title.

CHAPTER 443—INSURANCE

Table with 2 columns: Sec., Description. Rows include: 44301. Definitions; 44302. General authority; 44303. Coverage; 44304. Reinsurance; 44305. Insuring United States Government property; 44306. Premiums and limitations on coverage and claims; 44307. Revolving fund; 44308. Administrative; 44309. Civil actions; 44310. Ending effective date.

§ 44301. Definitions

In this chapter—

(1) “aircraft manufacturer” means any company or other business entity, the majority ownership and control of which is by United States citizens, that manufactures aircraft or aircraft engines.

(2) “American aircraft” means—
(A) a civil aircraft of the United States; and
(B) an aircraft owned or chartered by, or made available to—

- (i) the United States Government; or
(ii) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of the State, territory, or possession.

(3) “insurance carrier” means a person authorized to do aviation insurance business in a State, including a mutual or stock insurance company and a reciprocal insurance association.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1168; Pub. L. 108-176, title I, §106(a)(2), Dec. 12, 2003, 117 Stat. 2498.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44301 .....	49 App.:1531.	Aug. 23, 1958, Pub. L. 85-726, §1301, 72 Stat. 800; re-stated Nov. 9, 1977, Pub. L. 95-163, §1(a), 91 Stat. 1278.

In this section, the text of 49 App.:1531(3) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (1)(B)(i), the words “United States Government” are substituted for “United States or any department or agency thereof” for consistency in the revised title and with other titles of the United States Code.

In clause (1)(B)(ii), the words “the government of” are omitted for consistency in the revised title.

In clause (2), the words “insurance company” are omitted as being included in “insurance carrier”. The words “means a person” are added because they are inclusive. The words “group or association” are omitted as being included in “person”. The word “State” is substituted for “State of the United States” to eliminate unnecessary words.

## AMENDMENTS

2003—Pub. L. 108-176 added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

## EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

**§ 44302. General authority**

(a) **INSURANCE AND REINSURANCE.**—(1) Subject to subsection (c) of this section and section 44305(a) of this title, the Secretary of Transportation may provide insurance and reinsurance against loss or damage arising out of any risk from the operation of an American aircraft or foreign-flag aircraft.

(2) An aircraft may be insured or reinsured for not more than its reasonable value as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry. Insurance or reinsurance may be provided only when the Secretary decides that the insurance cannot be obtained on reasonable terms from an insurance carrier.

(b) **REIMBURSEMENT OF INSURANCE COST INCREASES.**—

(1) **IN GENERAL.**—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

(2) **PAYMENT FROM REVOLVING FUND.**—A reimbursement under this subsection shall be paid from the revolving fund established by section 44307.

(3) **FURTHER CONDITIONS.**—The Secretary may impose such further conditions on insur-

ance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

(4) **TERMINATION OF AUTHORITY.**—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.

(c) **PRESIDENTIAL APPROVAL.**—The Secretary may provide insurance or reinsurance under subsection (a) of this section, or reimburse an air carrier under subsection (b) of this section, only with the approval of the President. The President may approve the insurance or reinsurance or the reimbursement only after deciding that the continued operation of the American aircraft or foreign-flag aircraft to be insured or re-insured is necessary in the interest of air commerce or national security or to carry out the foreign policy of the United States Government.

(d) **CONSULTATION.**—The President may require the Secretary to consult with interested departments, agencies, and instrumentalities of the Government before providing insurance or reinsurance or reimbursing an air carrier under this chapter.

(e) **ADDITIONAL INSURANCE.**—With the approval of the Secretary, a person having an insurable interest in an aircraft may insure with other underwriters in an amount that is more than the amount insured with the Secretary. However, the Secretary may not benefit from the additional insurance. This subsection does not prevent the Secretary from making contracts of co-insurance.

(f) **EXTENSION OF POLICIES.**—

(1) **IN GENERAL.**—The Secretary shall extend through December 11, 2014, the termination date of any insurance policy that the Department of Transportation issued to an air carrier under subsection (a) and that is in effect on the date of enactment of this subsection on no less favorable terms to the air carrier than existed on June 19, 2002; except that the Secretary shall amend the insurance policy, subject to such terms and conditions as the Secretary may prescribe, to add coverage for losses or injuries to aircraft hulls, passengers, and crew at the limits carried by air carriers for such losses and injuries as of such date of enactment and at an additional premium comparable to the premium charged for third-party casualty coverage under such policy.

(2) **SPECIAL RULES.**—Notwithstanding paragraph (1)—

(A) in no event shall the total premium paid by the air carrier for the policy, as amended, be more than twice the premium that the air carrier was paying to the Department of Transportation for its third party policy as of June 19, 2002; and

(B) the coverage in such policy shall begin with the first dollar of any covered loss that is incurred.

(g) **AIRCRAFT MANUFACTURERS.**—

(1) **IN GENERAL.**—The Secretary may provide to an aircraft manufacturer insurance for loss or damage resulting from operation of an aircraft by an air carrier and involving war or terrorism.