

backlog of air carrier certificate applications under part 135 of title 14, Code of Federal Regulations, to—

“(1) not later than 1 year after the date of enactment of this Act [May 16, 2024], maintain an average application acceptance or rejection time of less than 60 days; and

“(2) not later than 2 years after the date of enactment of this Act, maintain an average application acceptance or rejection time of less than 30 days.

“(b) MEASURES.—In meeting the goal under subsection (a), the Administrator may—

“(1) assign, as appropriate, additional personnel or support staff, including on a temporary basis, to review, adjudicate, and approve applications;

“(2) improve and expand promotion of existing applicant resources which could improve the quality of applications submitted to decrease the need for Administration applicant coordination and communications; and

“(3) take into consideration any third-party entity that assisted in the preparation of an application for an air carrier certificate under part 135 of title 14, Code of Federal Regulations.

“(c) CONGRESSIONAL BRIEFING.—Beginning 6 months after the date of enactment of this Act, and not less than every 6 months thereafter until the Administrator complies with the requirements under subsection (a)(2), the Administrator shall provide a briefing to [the] appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] on the status of the backlog of air carrier certificate applications under part 135 of title 14, Code of Federal Regulations, [and] any measures the Administrator has put in place under subsection (b).”

**§ 41109. Terms of certificates**

(a) GENERAL.—(1) Each certificate issued under section 41102 of this title shall specify the type of transportation to be provided.

(2) The Secretary of Transportation—

(A) may prescribe terms for providing air transportation under the certificate that the Secretary finds may be required in the public interest; but

(B) may not prescribe a term preventing an air carrier from adding or changing schedules, equipment, accommodations, and facilities for providing the authorized transportation to satisfy business development and public demand.

(3) A certificate issued under section 41102 of this title to provide foreign air transportation shall specify the places between which the air carrier is authorized to provide the transportation only to the extent the Secretary considers practicable and otherwise only shall specify each general route to be followed. The Secretary shall authorize an air carrier holding a certificate to provide foreign air transportation to handle and transport mail of countries other than the United States.

(4) A certificate issued under section 41102 of this title to provide foreign charter air transportation shall specify the places between which the air carrier is authorized to provide the transportation only to the extent the Secretary considers practicable and otherwise only shall specify each geographical area in which, or between which, the transportation may be provided.

(5) As prescribed by regulation by the Secretary, an air carrier other than a charter air

carrier may provide charter trips or other special services without regard to the places named or type of transportation specified in its certificate.

(b) MODIFYING TERMS.—(1) An air carrier may file with the Secretary an application to modify any term of its certificate issued under section 41102 of this title to provide interstate or foreign air transportation. Not later than 60 days after an application is filed, the Secretary shall—

(A) provide the carrier an opportunity for an oral evidentiary hearing on the record; or

(B) begin to consider the application under section 41111 of this title.

(2) The Secretary shall modify each term the Secretary finds to be inconsistent with the criteria under section 40101(a) and (b) of this title.

(3) An application under this subsection may not be dismissed under section 41108(b)(1)(C) of this title.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1123; Pub. L. 104–287, § 5(70), Oct. 11, 1996, 110 Stat. 3396.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103–272

| Revised Section | Source (U.S. Code)   | Source (Statutes at Large)  |
|-----------------|--|---|
| 41109(a)(1) ..  | 49 App.:1371(e)(1) (words before semicolon).<br>49 App.:1551(a)(1)(C).                           | Aug. 23, 1958, Pub. L. 85–726, § 401(e)(1), 72 Stat. 755; restated July 10, 1962, Pub. L. 87–528, § 3, 76 Stat. 143.<br>Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 1601(a)(1)(C); added Oct. 24, 1978, Pub. L. 95–504, § 40(a), 92 Stat. 1744.  |
| 41109(a)(2) ..  | 49 App.:1371(e)(1) (words after semicolon).<br>49 App.:1371(e)(4).<br><br>49 App.:1551(b)(1)(E). | Aug. 23, 1958, Pub. L. 85–726, § 401(e)(3), (4), 72 Stat. 755; restated July 10, 1962, Pub. L. 87–528, § 3, 76 Stat. 143; Oct. 24, 1978, Pub. L. 95–504, § 15(a), (b), 92 Stat. 1719.<br>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. |
| 41109(a)(3) ..  | 49 App.:1371(e)(2).  | Aug. 23, 1958, Pub. L. 85–726, § 401(e)(2), 72 Stat. 755; restated July 10, 1962, Pub. L. 87–528, § 3, 76 Stat. 143; Feb. 15, 1980, Pub. L. 96–192, § 5, 94 Stat. 37.   |
| 41109(a)(4) ..  | 49 App.:1551(b)(1)(E).<br>49 App.:1371(e)(3).<br>49 App.:1551(b)(1)(E).                          |   |
| 41109(b) .....  | 49 App.:1371(e)(7)(B).<br><br>49 App.:1551(b)(1)(E).   | Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 401(e)(7)(B); added Oct. 24, 1978, Pub. L. 95–504, § 16, 92 Stat. 1720.  |

In subsection (a)(1), the text of 49 App.:1371(e)(1) (words before semicolon related to terminal and intermediate points) is omitted as obsolete because of 49 App.:1551(a)(1)(C) and because interstate and overseas air transportation is no longer regulated. The words “type of” are added for clarity. The word “provided” is substituted for “rendered” for consistency in the revised title.

In subsection (a)(2), the words before clause (A) are added for clarity. Clause (A) is substituted for 49 App.:1371(e)(1) (words after semicolon) for clarity and consistency and to eliminate unnecessary words. In clause (B), the words “may not prescribe a term preventing” are substituted for “No term, condition, or limitation of a certificate shall restrict the right” for clarity and consistency. The word “providing” is substituted for “performing” for consistency in the revised title.

In subsection (a)(3) and (4), the word “places” is substituted for “points”, and the word “provide” is sub-

stituted for “engage in”, for consistency in the revised title. The words “terminal and intermediate” are omitted as surplus. The words “between which the air carrier is authorized to provide the transportation” are added for clarity and consistency.

In subsection (a)(3), the words “or routes” are omitted because of 1:1. The words “The Secretary” are added for clarity.

In subsection (a)(4), the words “or areas” are omitted because of 1:1.

In subsection (b), the words “condition, or limitation” are omitted as being included in “term”.

In subsection (b)(1), before clause (A), the word “modify” is substituted for “removal or modification” to eliminate unnecessary words. The word “provide” is substituted for “engage in” for consistency in the revised title. In clause (A), the words “provide the carrier an opportunity” are substituted for “set such application” for consistency in the revised title and with other titles of the United States Code. In clause (B), the words “the simplified procedures established by the Board in regulations pursuant to” are omitted as surplus.

PUB. L. 104-287

This amends 49:41109(a) to clarify the restatement of 49 App.:1371(e) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1123).

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(5). Pub. L. 104-287 added par. (5).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

**§ 41110. Effective periods and amendments, modifications, suspensions, and revocations of certificates**

(a) GENERAL.—(1) Each certificate issued under section 41102 of this title is effective from the date specified in it and remains in effect until—

(A) the Secretary of Transportation suspends or revokes the certificate under this section;

(B) the end of the period the Secretary specifies for an air carrier having a certificate of temporary authority issued under section 41102(a)(2) of this title; or

(C) the Secretary certifies that transportation is no longer being provided under a certificate.

(2) On application or on the initiative of the Secretary and after notice and an opportunity for a hearing or, except as provided in paragraph (4) of this subsection, under section 41111 of this title, the Secretary may—

(A) amend, modify, or suspend any part of a certificate if the Secretary finds the public convenience and necessity require amendment, modification, or suspension; and

(B) revoke any part of a certificate if the Secretary finds that the holder of the certificate intentionally does not comply with this chapter, sections 41308-41310(a), 41501, 41503, 41504, 41506, 41510, 41511, 41701, 41702, 41705-41709, 41711, 41712, and 41731-41742, chapter 419, subchapter II of chapter 421, and section 46301(b) of this title, a regulation or order of the Sec-

retary under any of those provisions, or a term of its certificate.

(3) The Secretary may revoke a certificate under paragraph (2)(B) of this subsection only if the holder of the certificate does not comply, within a reasonable time the Secretary specifies, with an order to the holder requiring compliance.

(4) A certificate to provide foreign air transportation may not be amended, modified, suspended, or revoked under section 41111 of this title if the holder of the certificate requests an oral evidentiary hearing or the Secretary finds, under all the facts and circumstances, that the hearing is required in the public interest.

(b) ALL-CARGO AIR TRANSPORTATION.—The Secretary may order that a certificate issued under section 41103 of this title authorizing all-cargo air transportation is ineffective if, after notice and an opportunity for a hearing, the Secretary finds that the transportation is not provided to the minimum extent specified by the Secretary.

(c) FOREIGN AIR TRANSPORTATION.—(1) Notwithstanding subsection (a)(2)-(4) of this section, after notice and a reasonable opportunity for the affected air carrier to present its views, but without a hearing, the Secretary may suspend or revoke the authority of an air carrier to provide foreign air transportation to a place under a certificate issued under section 41102 of this title if the carrier—

(A) notifies the Secretary, under section 41734(a) of this title or a regulation of the Secretary, that it intends to suspend all transportation to that place; or

(B) does not provide regularly scheduled transportation to the place for 90 days immediately before the date the Secretary notifies the carrier of the action the Secretary proposes.

(2) Paragraph (1)(B) of this subsection does not apply to a place provided seasonal transportation comparable to the transportation provided during the prior year.

(d) TEMPORARY CERTIFICATES.—On application or on the initiative of the Secretary, the Secretary may—

(1) review the performance of an air carrier issued a certificate under section 41102(c) of this title on the basis that the air carrier will provide innovative or low-priced air transportation under the certificate; and

(2) amend, modify, suspend, or revoke the certificate or authority under subsection (a)(2) or (c) of this section if the air carrier has not provided, or is not providing, the transportation.

(e) CONTINUING REQUIREMENTS.—(1) To hold a certificate issued under section 41102 of this title, an air carrier must continue to be fit, willing, and able to provide the transportation authorized by the certificate and to comply with this part and regulations of the Secretary.

(2) After notice and an opportunity for a hearing, the Secretary shall amend, modify, suspend, or revoke any part of a certificate issued under section 41102 of this title if the Secretary finds that the air carrier—

(A) is not fit, willing, and able to provide the transportation authorized by the certificate