

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

(B) the government, an aeronautical authority, or a foreign air carrier of the foreign country, over the objection of the United States Government, has—

(i) limited or denied the operating rights of an air carrier; or

(ii) engaged in unfair, discriminatory, or restrictive practices that have a substantial adverse competitive impact on an air carrier related to air transportation to, from, through, or over the territory of the foreign country; and

(2) to make this subsection effective, may restrict operations between the United States and the foreign country by a foreign air carrier of a third country.

(c) ILLEGAL IMPORTATION OF CONTROLLED SUBSTANCES.—The Secretary—

(1) in consultation with appropriate departments, agencies, and instrumentalities of the

Government, shall reexamine immediately the fitness of a foreign air carrier that—

(A) violates the laws and regulations of the United States related to the illegal importation of a controlled substance; or

(B) does not adopt available measures to prevent the illegal importation of a controlled substance into the United States on its aircraft; and

(2) when appropriate, shall amend, modify, suspend, or revoke the permit of the carrier issued under this chapter.

(d) RESPONSES.—An interested person may file a response with the Secretary opposing or supporting the amendment, modification, suspension, or revocation of a permit under subsection (a) of this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1127.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41304(a)	49 App.:1372(e) (related to duration of permits). 49 App.:1372(f)(1) (1st sentence). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §402(e) (related to duration of permits), 72 Stat. 758. Aug. 23, 1958, Pub. L. 85-726, §402(f)(1), 72 Stat. 758; Feb. 15, 1980, Pub. L. 96-192, §9, 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.
41304(b)	49 App.:1372(f)(2).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §402(f)(2); added Feb. 15, 1980, Pub. L. 96-192, §9, 94 Stat. 38.
41304(c)	49 App.:1551(b)(1)(E). 49 App.:1371a (related to permit).	Aug. 15, 1985, Pub. L. 99-88, §100 (1st complete par. related to permit on p. 352), 99 Stat. 352.
41304(d)	49 App.:1372(f)(1) (last sentence). 49 App.:1551(b)(1)(E).	

In subsection (a), the words “altered” and “cancelled” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “alter” and “condition” are omitted as surplus. In clause (B)(i) and (ii), the words “United States” before “air carriers” and “carriers” are omitted as surplus and for consistency because only a citizen of the United States may be an “air carrier” as defined in section 40102(a) of the revised title. In clause (B)(i), the word “impaired” is omitted as surplus.

In subsection (c), before clause (1), the words “Notwithstanding any other provision of law” are omitted as surplus. The words “on and after August 15, 1985” are omitted as executed. In clause (1), before subclause (A), the words “law enforcement and other” are omitted as surplus. The words “departments, agencies, and instrumentalities of the Government” are substituted for “agencies” for consistency in the revised title and with other titles of the Code. The words “a foreign air carrier” are substituted for “any carrier” for clarity. In clause (2), the words “of public convenience and necessity” are omitted as surplus. The word “amend” is added for consistency. The words “issued under this chapter” are added for clarity.

In subsection (d), the word “response” is substituted for “protest or memorandum” to eliminate unnecessary words. The words “alteration” and “cancellation” are omitted as surplus.

§ 41305. Applications for permits

(a) FORM, CONTENTS, NOTICE, RESPONSE, AND ACTIONS ON APPLICATIONS.—(1) A person must