

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41310(a)	49 App.:1374(b). 49 App.:1551(a)(4)(C) (related to 49 App.:1374(b)).	Aug. 23, 1958, Pub. L. 85-726, § 404(b), 72 Stat. 760. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 1601(a)(4)(C) (related to § 404(b)); added Oct. 4, 1984, Pub. L. 98-443, § 3(c), 98 Stat. 1703.
41310(b)	49 App.:1159a.	June 16, 1948, ch. 473, 62 Stat. 450, § 11; added Jan. 3, 1975, Pub. L. 93-623, § 3, 88 Stat. 2103; Oct. 4, 1984, Pub. L. 98-443, § 9(c), 98 Stat. 1706.
41310(c)	49 App.:1159b(b)(1).	Jan. 3, 1975, Pub. L. 93-623, 88 Stat. 2102, § 2(b)(1), (2), (4); added Feb. 15, 1980, Pub. L. 96-192, § 23, 94 Stat. 45; Oct. 4, 1984, Pub. L. 98-443, § 9(d)(2), (3), 98 Stat. 1707; Aug. 23, 1988, Pub. L. 100-418, §§ 10011, 10012(1), (2), 102 Stat. 1573.
41310(d)(1) ..	49 App.:1159b(b)(2), (4).	
41310(d)(2) ..	49 App.:1159b(b)(3).	Jan. 3, 1975, Pub. L. 93-623, 88 Stat. 2102, § 2(b)(3), (e); added Aug. 23, 1988, Pub. L. 100-418, §§ 10012(3), 10013, 102 Stat. 1573.
41310(e)(1) ..	49 App.:1159b(a). 49 App.:1159b(c).	Jan. 3, 1975, Pub. L. 93-623, § 2(a), 88 Stat. 2102; Oct. 4, 1984, Pub. L. 98-443, § 9(d)(1), 98 Stat. 1706. Jan. 3, 1975, Pub. L. 93-623, § 2(c), 88 Stat. 2103; Feb. 15, 1980, Pub. L. 96-192, § 23, 94 Stat. 45.
41310(e)(2) ..	49 App.:1159b(d).	Jan. 3, 1975, Pub. L. 93-623, § 2(d), 88 Stat. 2103; Feb. 15, 1980, Pub. L. 96-192, § 23, 94 Stat. 45; Oct. 4, 1984, Pub. L. 98-443, § 9(d)(2), (4), 98 Stat. 1707.
41310(f)	49 App.:1159b(e).	

In subsection (a), the words “may not subject . . . to unreasonable discrimination” are substituted for “No . . . shall make, give, or cause any undue or unreasonable preference or advantage . . . in any respect whatsoever or subject . . . to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever” to eliminate unnecessary words. The words “foreign air transportation” are substituted for “air transportation” because 49 App.:1551(a)(4)(C) provides that 49 App.:1374 no longer applies to interstate or overseas air transportation except insofar as 49 App.:1374 requires air carriers to provide safe and adequate service.

In subsection (b)(1), the words “at any time”, “unreasonably exceed comparable charges for furnishing such airport property or airway property in the United States or are otherwise” and “reduce such charges or” are omitted as surplus. The words “the Secretary of State shall promptly report such instances to” are omitted as surplus because the Secretary of Transportation is involved in the negotiations and aware of the failure to end the discrimination. The words “excessive or” are omitted as surplus. The words “or carriers” are omitted because of 1:1.

In subsection (b)(2), the words “in accordance with such regulations as he shall adopt” are omitted as surplus because of 49:322(a). The words “by them” are omitted as surplus.

In subsections (c)–(e), the words “United States” before “air carriers” and “air carrier” 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 and because 49 App.:1301 applies to this section.

In subsections (c)(1) and (d)(1), before each clause (A), the words “foreign entity” and “entity” are substituted for “instrumentality” for consistency in the revised title and with other titles of the United States Code.

In subsection (c)(2), the words “alteration”, “cancellation”, “limitation”, and “pursuant to the powers of the Secretary” are omitted as surplus.

In subsection (d)(1), before clause (A), the words “department, agency, or instrumentality of the United States Government” are substituted for “agency of the Government of the United States” for consistency in the revised title and with other titles of the Code. The words “additional periods totaling not more than 30 days” are substituted for “an additional period or periods of up to 30 days each” for clarity because the amendment made by section 10111 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418, 102 Stat. 1573) changed the additional period within which the Secretary had to act to only 30 days. The word “initial” is added for clarity.

In subsection (d)(2)(A), the words “the Secretaries of Commerce and State and the United States Trade Representative” are substituted for “the Department of State, the Department of Commerce, and the Office of the United States Trade Representative” because of 15:1501, 22:2651, and 19:2171, respectively.

In subsection (d)(2)(B), the words “as is consistent with acting on the complaint” are omitted as surplus.

In subsection (e)(1), before clause (A), the text of 49 App.:1159b(a) (1st, 2d sentences) is omitted as executed. The words “The Secretaries of State, the Treasury, and Transportation” are substituted for “The Department of State, the Department of the Treasury, the Department of Transportation” because of 22:2651, 31:301(b), and 49:102(b), respectively. The words “the heads of” and “instrumentalities of the Government” are added for consistency in the revised title and with other titles of the Code. The word “jurisdictions” is substituted for “respective functions” for clarity and consistency. In clause (A), the words “within its jurisdiction . . . such forms of” are omitted as surplus. Clause (B) is substituted for 49 App.:1159b(c) to eliminate unnecessary words.

In subsection (e)(2), the words “faced by United States carriers in foreign air transportation”, “as may be”, and “required by this subsection” are omitted as surplus.

Editorial Notes

AMENDMENTS

2000—Subsec. (d)(1). Pub. L. 106-181, § 741(b)(1)(A), (B), in first sentence of introductory provisions, substituted “air carrier, computer reservations system firm,” for “air carrier” and “subsection (c) or (g)” for “subsection (c)”.

Subsec. (d)(1)(B). Pub. L. 106-181, § 741(b)(1)(C), substituted “air carrier or computer reservations system firm” for “air carrier”.

Subsec. (e)(1). Pub. L. 106-181, § 741(b)(2), inserted “or a computer reservations system firm is subject when providing services with respect to airline service” before period at end of first sentence.

Subsec. (g). Pub. L. 106-181, § 741(a), added subsec. (g). 1996—Subsec. (f). Pub. L. 104-287 substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (e)(2) of this section relating to the requirement that the Secretary of Transportation report annually to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 21st item on page 132 of House Document No. 103-7.

§ 41311. Gambling restrictions

(a) IN GENERAL.—An air carrier or foreign air carrier may not install, transport, or operate, or

permit the use of, any gambling device on board an aircraft in foreign air transportation.

(b) DEFINITION.—In this section, the term “gambling device” means any machine or mechanical device (including gambling applications on electronic interactive video systems installed on board aircraft for passenger use)—

(1) which when operated may deliver, as the result of the application of an element of chance, any money or property; or

(2) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property.

(Added Pub. L. 103-305, title II, §205(a)(1), Aug. 23, 1994, 108 Stat. 1583.)

Statutory Notes and Related Subsidiaries

STUDY OF GAMBLING ON COMMERCIAL AIRCRAFT

Pub. L. 103-305, title II, §205(b), Aug. 23, 1994, 108 Stat. 1583, provided that the Secretary, not later than 1 year after Aug. 23, 1994, was to complete a study of the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use and the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling applications on electronic interactive video systems on board aircraft on flights over international waters, and provided that the Secretary, within 5 days after the completion of the study, would submit a report to Congress on the results of the study.

§ 41312. Ending or suspending foreign air transportation

(a) GENERAL.—An air carrier holding a certificate issued under section 41102 of this title to provide foreign air transportation—

(1) may end or suspend the transportation to a place under the certificate only when the carrier gives at least 90 days notice of its intention to end or suspend the transportation to the Secretary of Transportation, any community affected by that decision, and the State authority of the State in which a community is located; and

(2) if it is the only air carrier holding a certificate to provide non-stop or single-plane foreign air transportation between 2 places, may end or suspend the transportation between those places only when the carrier gives at least 60 days notice of its intention to end or suspend the transportation to the Secretary and each community directly affected by that decision.

(b) TEMPORARY SUSPENSION.—The Secretary may authorize the temporary suspension of foreign air transportation under subsection (a) of this section when the Secretary finds the suspension is in the public interest.

(Added Pub. L. 103-429, §6(51)(A), Oct. 31, 1994, 108 Stat. 4384; amended Pub. L. 104-287, §5(72), Oct. 11, 1996, 110 Stat. 3396.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-429

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41312(a)	49 App.:1371(j)(1) (1st sentence), (2).	Aug. 23, 1958, Pub. L. 85-726, § 401(j), 72 Stat. 756, as restated Oct. 24, 1978, Pub. L. 95-504, §19(a), 92 Stat. 1720.

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-429

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	49 App.:1551(a)(1)(D).	Aug. 23, 1958, Pub. L. 85-726, §1601(a)(1)(D), as added Oct. 24, 1978, Pub. L. 95-504, § 40(a), 92 Stat. 1744.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §1601(b)(1)(E), as added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.
41312(b)	49 App.:1371(j)(1) (last sentence), 49 App.:1551(a)(1)(D), (b)(1)(E).	

In the section, the text of 49 App.:1371(j) (related to interstate and overseas transportation of persons) is omitted because of 49 App.:1551(a)(1)(D). The text of 49 App.:1371(j) (related to other interstate and overseas air transportation and the domestic air transportation of mail) is omitted because a certificate of public convenience and necessity is no longer required. See H.R. Rept. 98-793, 98th Cong., 2d Sess., p. 10 (1984). The text of 49 App.:1371(j) (related to essential air transportation) is omitted as superseded by 49 App.:1389, restated as subchapter II of chapter 417 of title 49.

In subsection (a)(1) and (2), the word “place” is substituted for “point” for consistency in the revised title. The words “by that decision” are added for clarity.

In subsection (a)(1), the words “which it is providing” are omitted as surplus. The word “authority” is substituted for “agency” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(2), the words “between those places” are substituted for “being provided by such air carrier under such certificate” to eliminate unnecessary words.

In subsection (b), the words “by regulation or otherwise” are omitted as surplus. The words “when the Secretary finds the suspension is in” are substituted for “as may be” for clarity and consistency.

PUB. L. 104-287

This amends 49:41312(a)(1) to conform to the style of title 49.

Editorial Notes

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-287 substituted “Secretary of Transportation” for “Secretary”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as an Effective Date of 1994 Amendment note under section 321 of this title.

§ 41313. Plans to address needs of families of passengers involved in foreign air carrier accidents

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRCRAFT ACCIDENT.—The term “aircraft accident” means any aviation disaster, regardless of its cause or suspected cause, that occurs within the United States; and

(2) PASSENGER.—The term “passenger” has the meaning given such term by section 1136.

(b) SUBMISSION OF PLANS.—A foreign air carrier providing foreign air transportation under this chapter shall transmit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for