

1994—Pub. L. 103-429, §6(52), Oct. 31, 1994, 108 Stat. 4385, made technical correction to chapter heading.

Pub. L. 103-305, title II, §§206(b), 207(b), Aug. 23, 1994, 108 Stat. 1587, 1588, added items 41714 and 41715.

SUBCHAPTER I—REQUIREMENTS

§ 41701. Classification of air carriers

The Secretary of Transportation may establish—

- (1) reasonable classifications for air carriers when required because of the nature of the transportation provided by them; and
- (2) reasonable requirements for each class when the Secretary decides those requirements are necessary in the public interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1140.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41701	49 App.:1386(a). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §416(a), 72 Stat. 771. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(c), 98 Stat. 1704.

In this section, before clause (1), the words “from time to time” are omitted as unnecessary. In clauses (1) and (2), the word “just” is omitted as being included in “reasonable”. In clause (1), the word “groups” is omitted as being included in “classifications”. The words “transportation provided” are substituted for “services performed” for consistency in the revised title. In clause (2), the word “requirements” is substituted for “rules and regulations pursuant to and consistent with the provisions of this subchapter” as being more appropriate and for consistency in the revised title.

Statutory Notes and Related Subsidiaries

CREWMEMBER PUMPING GUIDANCE

Pub. L. 118-63, title IV, §421, May 16, 2024, 138 Stat. 1165, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [May 16, 2024], the Administrator [of the Federal Aviation Administration] shall issue guidance to part 121 air carriers relating to the expression of milk by crewmembers on an aircraft during noncritical phases of flight, consistent with the performance of the crewmember’s duties aboard the aircraft. The guidance shall be equally applicable to any lactating crewmember. In developing the guidance, the Administrator shall—

- “(1) consider multiple methods of expressing breast milk that could be used by crewmembers, including the use of wearable lactation technology; and
- “(2) ensure the guidance will not require an air carrier or foreign air carrier to incur significant expense, such as through—
 - “(A) the addition of an extra crewmember in response to providing a break;
 - “(B) removal or retrofitting of seats on the aircraft; or
 - “(C) modification or retrofitting of an aircraft.

“(b) DEFINITIONS.—In this section:

- “(1) CREWMEMBER.—The term ‘crewmember’ has the meaning given such term in section 1.1 of title 14, Code of Federal Regulations.
- “(2) CRITICAL PHASES OF FLIGHT.—The term ‘critical phases of flight’ has the meaning given such term in section 121.542 of title 14, Code of Federal Regulations.
- “(3) PART 121.—The term ‘part 121’ means part 121 of title 14, Code of Federal Regulations.

“(c) AVIATION SAFETY.—Nothing in this section shall limit the authority of the Administrator relating to aviation safety under subtitle VII of title 49, United States Code.”

§ 41702. Interstate air transportation

An air carrier shall provide safe and adequate interstate air transportation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1140.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41702	49 App.:1374(a)(1). 49 App.:1551(a)(4)(C) (related to 49 App.:1374(a)(1)).	Aug. 23, 1958, Pub. L. 85-726, §404(a)(1), 72 Stat. 760; Mar. 22, 1972, Pub. L. 92-259, §1, 86 Stat. 95; Oct. 24, 1978, Pub. L. 95-504, §23, 92 Stat. 1724. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(a)(4)(C) (related to §404(a)(1)); added Oct. 4, 1984, Pub. L. 98-443, §3(c), 98 Stat. 1703.

This section is substituted for 49 App.:1374(a)(1) 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.

§ 41703. Navigation of foreign civil aircraft

(a) PERMITTED NAVIGATION.—A foreign aircraft, not part of the armed forces of a foreign country, may be navigated in the United States only—

- (1) if the country of registry grants a similar privilege to aircraft of the United States;
- (2) by an airman holding a certificate or license issued or made valid by the United States Government or the country of registry;
- (3) if the Secretary of Transportation authorizes the navigation; and
- (4) if the navigation is consistent with terms the Secretary may prescribe.

(b) REQUIREMENTS FOR AUTHORIZING NAVIGATION.—The Secretary may authorize navigation under this section only if the Secretary decides the authorization is—

- (1) in the public interest; and
- (2) consistent with any agreement between the Government and the government of a foreign country.

(c) PROVIDING AIR COMMERCE.—The Secretary may authorize an aircraft permitted to navigate in the United States under this section to provide air commerce in the United States. However, the aircraft may take on for compensation, at a place in the United States, passengers or cargo destined for another place in the United States only if—

- (1) specifically authorized under section 40109(g) of this title; or
- (2) under regulations the Secretary prescribes authorizing air carriers to provide otherwise authorized air transportation with foreign registered aircraft under lease or charter to them without crew.

(d) PERMIT REQUIREMENTS NOT AFFECTED.—This section does not affect section 41301 or 41302 of this title. However, a foreign air carrier holding a permit under section 41302 does not need to