

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

obtain additional authorization under this section for an operation authorized by the permit.

(e) CARGO IN ALASKA.—

(1) IN GENERAL.—For the purposes of subsection (c), eligible cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by any combination of 2 or more air carriers or foreign air carriers in either direction between a place in the United States and a place outside the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

(2) ELIGIBLE CARGO.—For purposes of paragraph (1), the term “eligible cargo” means cargo transported between Alaska and any other place in the United States on a foreign air carrier (having been transported from, or thereafter being transported to, a place outside the United States on a different air carrier or foreign air carrier) that is carried—

(A) under the code of a United States air carrier providing air transportation to Alaska;

(B) on an air carrier way bill of an air carrier providing air transportation to Alaska;

(C) under a term arrangement or block space agreement with an air carrier; or

(D) under the code of a United States air carrier for purposes of transportation within the United States.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1140; Pub. L. 108-176, title VIII, §808, Dec. 12, 2003, 117 Stat. 2588.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 41703(a) | 49 App.:1508(b) (1st sentence). 49 App.:1551(b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, §1108(b) (1st, 2d, last sentences), 72 Stat. 798, 799. 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. |
| 41703(b) | 49 App.:1508(b) (2d sentence). 49 App.:1551(b)(1)(E). | |
| 41703(c) | 49 App.:1508(b) (3d sentence). | Aug. 23, 1958, Pub. L. 85-726, §1108(b) (3d sentence), 72 Stat. 799; Feb. 15, 1980, Pub. L. 96-192, §20, 94 Stat. 43. |
| 41703(d) | 49 App.:1551(b)(1)(E). 49 App.:1508(b) (last sentence). | |

In subsection (a), the word “country” is substituted for “nation” for consistency in the revised title and with other titles of the United States Code. In clause (3), the words “permit, order, or regulation issued” are omitted as surplus. In clause (4), the words “conditions, and limitations” are omitted as being included in “terms”.

In subsection (b)(2), the word “agreement” is substituted for “treaty, convention, or agreement” for clarity and consistency in the revised title. The words “which may be in force” are omitted as surplus. The words “or countries” are omitted because of 1:1.

In subsection (c), before clause (1), the word “place” is substituted for “point”, and the word “passengers” is substituted for “persons”, for consistency in the revised title.

In subsection (d), the word “affect” is substituted for “limit, modify, or amend” to eliminate unnecessary words.

Editorial Notes

AMENDMENTS

2003—Subsec. (e). Pub. L. 108-176 added subsec. (e).

Statutory Notes and Related Subsidiaries

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.

§ 41704. Transporting property not to be transported in aircraft cabins

Under regulations or orders of the Secretary of Transportation, an air carrier shall transport as baggage the property of a passenger traveling in air transportation that may not be carried in an aircraft cabin because of a law or regulation of the United States. The carrier is liable to pay an amount not more than the amount declared to the carrier by that passenger for actual loss of, or damage to, the property caused by the carrier. The carrier may impose reasonable charges and conditions for its liability.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1141.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 41704 | 49 App.:1516. 49 App.:1551(b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1116; added Aug. 5, 1974, Pub. L. 93-366, §205, 88 Stat. 418. 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. |

The words “as may be necessary”, “which . . . lawfully”, and “by such person” are omitted as surplus. The words “The carrier is liable to pay an amount not more than” are substituted for “shall assume liability . . . within” for clarity. The words “to such person” are omitted as surplus. The words “The carrier may impose” are added for clarity. The words “terms and” are omitted as covered by “conditions”.

Statutory Notes and Related Subsidiaries

REFUNDS FOR DELAYED BAGGAGE

Pub. L. 114-190, title II, §2305, July 15, 2016, 130 Stat. 640, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Secretary of Transportation shall issue final regulations to require an air carrier or foreign air carrier to promptly provide to a passenger an automated refund for any ancillary fees paid by the passenger for checked baggage if—

“(1) the air carrier or foreign air carrier fails to deliver the checked baggage to the passenger—

“(A) not later than 12 hours after the arrival of a domestic flight; or

“(B) not later than 15 hours after the arrival of an international flight; and

“(2) the passenger has notified the air carrier or foreign air carrier of the lost or delayed checked baggage.

“(b) EXCEPTION.—If, as part of the rulemaking, the Secretary makes a determination on the record that a requirement under subsection (a) is not feasible and would adversely affect consumers in certain cases, the Secretary may modify 1 or both of the deadlines specified in subsection (a)(1) for such cases, except that—