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**Editorial Notes**

**AMENDMENTS**

2018—Pub. L. 115-254, div. B, title IV, §§ 403(b), 412(b), title V, § 539(e), Oct. 5, 2018, 132 Stat. 3329, 3332, 3370, added items 41725 and 41726 and substituted “rules” for “Rules” in item 41718.

2012—Pub. L. 112-95, title IV, § 403(b), Feb. 14, 2012, 126 Stat. 85, which directed amendment of analysis for “such subchapter”, meaning subchapter I of chapter 417, by adding item 41724 at the end, was executed by adding item 41724 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 112-95, title IV, §§ 401(b), 430, Feb. 14, 2012, 126 Stat. 83, 100, substituted “Prohibitions against smoking on passenger flights” for “Prohibitions against smoking on scheduled flights” in item 41706, and struck out item 41747 “EAS local participation program”.

2003—Pub. L. 108-176, title IV, §§ 408(b), 410(b), 422(b), title VIII, § 810(b), Dec. 12, 2003, 117 Stat. 2547, 2549, 2552, 2590, added items 41721 to 41723 and 41745 to 41748 and struck out former item 41721 “Reports by carriers on incidents involving animals during air transportation”.

2000—Pub. L. 106-181, title II, §§ 203(b), 204(b), 210(b), 231(j)(2), title VII, § 710(b), Apr. 5, 2000, 114 Stat. 93, 94, 102, 115, 160, added items 41715 to 41718, redesignated former items 41715 and 41716 as 41719 and 41720, respectively, and added items 41721, 41743, and 41744, subchapter III heading, and items 41761 to 41767.

1998—Pub. L. 105-277, div. C, title I, § 110(f)(2), Oct. 21, 1998, 112 Stat. 2681-590, which directed amendment of the analysis for subchapter I of chapter 417 by adding item 41716 without specifying the Code title or Act for chapter 417, was executed by adding item 41716 to this analysis to reflect the probable intent of Congress.

1996—Pub. L. 104-264, title II, § 278(d), Oct. 9, 1996, 110 Stat. 3250, substituted “Essential air service authorization” for “Ending effective date” in item 41742.

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**

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                      |
|------------------------|---------------------------|--------------------------------------------------------|
| 41701 .....            | 49 App.:1386(a).          | Aug. 23, 1958, Pub. L. 85-726, § 416(a), 72 Stat. 771. |

**HISTORICAL AND REVISION NOTES—CONTINUED**

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>                                                                                        |
|------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------|
|                        | 49 App.:1551(b)(1)(E).    | 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. |

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.

**§ 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**

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>                                                         | <i>Source (Statutes at Large)</i>                                                                                                                                                                                                                                                                                   |
|------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 41702 .....            | 49 App.:1374(a)(1).<br><br>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.<br>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).<br>49 App.:1551(b)(1)(E).  | Aug. 23, 1958, Pub. L. 85–726, §1108(b) (1st, 2d, last sentences), 72 Stat. 798, 799.<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. |
| 41703(b) .....  | 49 App.:1508(b) (2d sentence).<br>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).<br>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.<br><br>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.<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. |

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—