

(c) ICAO AIRCRAFT IDENTIFICATION CODE.—

(1) IN GENERAL.—The Administrator shall establish a program for aircraft owners and operators to apply for a new ICAO aircraft identification code.

(2) LIMITATIONS.—In carrying out the program described in paragraph (1), the Administrator shall require—

(A) each applicant to attest to a safety or security need in applying for a new ICAO aircraft identification code; and

(B) each approved applicant who obtains a new ICAO aircraft identification code to comply with all applicable aspects of, or related to, part 45 of title 14, Code of Federal Regulations, including updating an aircraft’s registration number and N-Number to reflect such aircraft’s new ICAO aircraft identification code.

(d) DEFINITIONS.—In this section:

(1) ADS-B.—The term “ADS-B” means automatic dependent surveillance-broadcast.

(2) ICAO.—The term “ICAO” means the International Civil Aviation Organization.

(3) PERSONALLY IDENTIFIABLE INFORMATION.—The term “personally identifiable information” means—

(A) the mailing address or registration address of an individual;

(B) an electronic address (including an email address) of an individual; or<sup>1</sup>

(C) the telephone number of an individual.<sup>1</sup>

(D) the names of the aircraft owner or operator, if the owner or operator is an individual.

(Added Pub. L. 118–63, title VIII, §803(a), May 16, 2024, 138 Stat. 1321.)

**Editorial Notes**

REFERENCES IN TEXT

The enactment of this Act, referred to in subsec. (b), probably means the enactment of Pub. L. 118–63, which enacted this section and was approved May 16, 2024.

PRIOR PROVISIONS

Provisions similar to those in subsec. (a) of this section were contained in Pub. L. 115–254, div. B, title V, §566, Oct. 5, 2018, 132 Stat. 3385, which was set out as a note under section 44103 of this title prior to repeal by Pub. L. 118–63, title VIII, §803(c), May 16, 2024, 138 Stat. 1322.

**CHAPTER 443—INSURANCE**

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**Editorial Notes**

AMENDMENTS

2022—Pub. L. 117–328, div. Q, §103(c), Dec. 29, 2022, 136 Stat. 5252, added item 44302a.

<sup>1</sup> So in original.

**§ 44301. Definitions**

In this chapter—

(1) “aircraft manufacturer” means any company or other business entity, the majority ownership and control of which is by United States citizens, that manufactures aircraft or aircraft engines.

(2) “American aircraft” means—

(A) a civil aircraft of the United States; and

(B) an aircraft owned or chartered by, or made available to—

(i) the United States Government; or

(ii) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of the State, territory, or possession.

(3) “insurance carrier” means a person authorized to do aviation insurance business in a State, including a mutual or stock insurance company and a reciprocal insurance association.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1168; Pub. L. 108–176, title I, §106(a)(2), Dec. 12, 2003, 117 Stat. 2498.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44301 .....	49 App.:1531.	Aug. 23, 1958, Pub. L. 85–726, §1301, 72 Stat. 800; re-stated Nov. 9, 1977, Pub. L. 95–163, §1(a), 91 Stat. 1278.

In this section, the text of 49 App.:1531(3) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In clause (1)(B)(i), the words “United States Government” are substituted for “United States or any department or agency thereof” for consistency in the revised title and with other titles of the United States Code.

In clause (1)(B)(ii), the words “the government of” are omitted for consistency in the revised title.

In clause (2), the words “insurance company” are omitted as being included in “insurance carrier”. The words “means a person” are added because they are inclusive. The words “group or association” are omitted as being included in “person”. The word “State” is substituted for “State of the United States” to eliminate unnecessary words.

**Editorial Notes**

AMENDMENTS

2003—Pub. L. 108–176 added par. (1) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

**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.

**§ 44302. General authority**

(a) INSURANCE AND REINSURANCE.—(1) Subject to subsection (c) of this section and section 44305(a) of this title, the Secretary of Transportation may provide insurance and reinsurance against loss or damage arising out of any risk

from the operation of an American aircraft or foreign-flag aircraft.

(2) An aircraft may be insured or reinsured for not more than its reasonable value as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry. Insurance or reinsurance may be provided only when the Secretary decides that the insurance cannot be obtained on reasonable terms from an insurance carrier.

(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

(1) IN GENERAL.—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001, as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

(2) PAYMENT FROM REVOLVING FUND.—A reimbursement under this subsection shall be paid from the revolving fund established by section 44307.

(3) FURTHER CONDITIONS.—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

(4) TERMINATION OF AUTHORITY.—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.

(c) PRESIDENTIAL APPROVAL.—The Secretary may provide insurance or reinsurance under subsection (a) of this section, or reimburse an air carrier under subsection (b) of this section, only with the approval of the President. The President may approve the insurance or reinsurance or the reimbursement only after deciding that the continued operation of the American aircraft or foreign-flag aircraft to be insured or reinsured is necessary in the interest of air commerce or national security or to carry out the foreign policy of the United States Government.

(d) CONSULTATION.—The President may require the Secretary to consult with interested departments, agencies, and instrumentalities of the Government before providing insurance or reinsurance or reimbursing an air carrier under this chapter.

(e) ADDITIONAL INSURANCE.—With the approval of the Secretary, a person having an insurable interest in an aircraft may insure with other underwriters in an amount that is more than the amount insured with the Secretary. However, the Secretary may not benefit from the additional insurance. This subsection does not prevent the Secretary from making contracts of co-insurance.

(f) EXTENSION OF POLICIES.—

(1) IN GENERAL.—The Secretary shall extend through December 11, 2014, the termination date of any insurance policy that the Department of Transportation issued to an air car-

rier under subsection (a) and that is in effect on the date of enactment of this subsection on no less favorable terms to the air carrier than existed on June 19, 2002; except that the Secretary shall amend the insurance policy, subject to such terms and conditions as the Secretary may prescribe, to add coverage for losses or injuries to aircraft hulls, passengers, and crew at the limits carried by air carriers for such losses and injuries as of such date of enactment and at an additional premium comparable to the premium charged for third-party casualty coverage under such policy.

(2) SPECIAL RULES.—Notwithstanding paragraph (1)—

(A) in no event shall the total premium paid by the air carrier for the policy, as amended, be more than twice the premium that the air carrier was paying to the Department of Transportation for its third party policy as of June 19, 2002; and

(B) the coverage in such policy shall begin with the first dollar of any covered loss that is incurred.

(g) AIRCRAFT MANUFACTURERS.—

(1) IN GENERAL.—The Secretary may provide to an aircraft manufacturer insurance for loss or damage resulting from operation of an aircraft by an air carrier and involving war or terrorism.

(2) AMOUNT.—Insurance provided by the Secretary under this subsection shall be for loss or damage in excess of the greater of the amount of available primary insurance or \$50,000,000.

(3) TERMS AND CONDITIONS.—Insurance provided by the Secretary under this subsection shall be subject to the terms and conditions set forth in this chapter and such other terms and conditions as the Secretary may prescribe.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1168; Pub. L. 105-137, §2(a), Dec. 2, 1997, 111 Stat. 2640; Pub. L. 107-42, title II, §201(a), Sept. 22, 2001, 115 Stat. 234; Pub. L. 107-296, title XII, §1202, Nov. 25, 2002, 116 Stat. 2286; Pub. L. 108-11, title IV, §4001(a), Apr. 16, 2003, 117 Stat. 606; Pub. L. 108-176, title I, §106(a)(1), Dec. 12, 2003, 117 Stat. 2498; Pub. L. 108-447, div. H, title I, §106(a), Dec. 8, 2004, 118 Stat. 3204; Pub. L. 109-115, div. A, title I, §108(a), Nov. 30, 2005, 119 Stat. 2402; Pub. L. 110-161, div. K, title I, §114(a), Dec. 26, 2007, 121 Stat. 2381; Pub. L. 110-253, §3(c)(6), June 30, 2008, 122 Stat. 2418; Pub. L. 110-330, §5(c), Sept. 30, 2008, 122 Stat. 3718; Pub. L. 111-12, §5(b), Mar. 30, 2009, 123 Stat. 1458; Pub. L. 111-69, §5(c), Oct. 1, 2009, 123 Stat. 2055; Pub. L. 111-116, §5(b), Dec. 16, 2009, 123 Stat. 3032; Pub. L. 111-117, div. A, title I, §114(a), Dec. 16, 2009, 123 Stat. 3042; Pub. L. 111-153, §5(b), Mar. 31, 2010, 124 Stat. 1085; Pub. L. 111-161, §5(b), Apr. 30, 2010, 124 Stat. 1127; Pub. L. 111-197, §5(b), July 2, 2010, 124 Stat. 1354; Pub. L. 111-216, title I, §104(b), Aug. 1, 2010, 124 Stat. 2349; Pub. L. 111-249, §5(c), Sept. 30, 2010, 124 Stat. 2628; Pub. L. 111-329, §5(b), Dec. 22, 2010, 124 Stat. 3567; Pub. L. 112-7, §5(b), Mar. 31, 2011, 125 Stat. 32; Pub. L. 112-16, §5(b), May 31, 2011, 125 Stat. 219; Pub. L. 112-21, §5(b), June 29, 2011, 125 Stat. 234; Pub. L. 112-27, §5(b), Aug. 5, 2011, 125 Stat. 271; Pub. L. 112-30, title II, §205(c), Sept. 16,

2011, 125 Stat. 358; Pub. L. 112–91, §5(c), Jan. 31, 2012, 126 Stat. 4; Pub. L. 112–95, title VII, § 701, Feb. 14, 2012, 126 Stat. 118; Pub. L. 113–46, div. A, § 152, Oct. 17, 2013, 127 Stat. 565; Pub. L. 113–76, div. L, title I, § 119E(a), Jan. 17, 2014, 128 Stat. 582; Pub. L. 113–164, § 148(a), Sept. 19, 2014, 128 Stat. 1874; Pub. L. 113–235, div. L, § 102(a), Dec. 16, 2014, 128 Stat. 2767.)

The date of enactment of this subsection, referred to in subsec. (f)(1), is the date of enactment of Pub. L. 107–296, which was approved Nov. 25, 2002.

AMENDMENTS

2014—Subsec. (f)(1). Pub. L. 113–235 substituted “December 11, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015”.

Pub. L. 113–164 substituted “the date specified in section 106(3) of the Continuing Appropriations Resolution, 2015” for “September 30, 2014”.

Pub. L. 113–76 substituted “September 30, 2014” for “the date specified in section 106(3) of the Continuing Appropriations Act, 2014”.

2013—Subsec. (f)(1). Pub. L. 113–46 substituted “the date specified in section 106(3) of the Continuing Appropriations Act, 2014” for “September 30, 2013, and may extend through December 31, 2013”.

2012—Subsec. (f)(1). Pub. L. 112–95 substituted “shall extend through September 30, 2013, and may extend through December 31, 2013, the termination date” for “shall extend through February 17, 2012, and may extend through May 17, 2012, the termination date”.

Pub. L. 112–91 substituted “February 17, 2012,” for “January 31, 2012,” and “May 17, 2012,” for “April 30, 2012,”.

2011—Subsec. (f)(1). Pub. L. 112–30 substituted “January 31, 2012,” for “September 16, 2011,” and “April 30, 2012,” for “December 31, 2011,”.

Pub. L. 112–27 substituted “September 16, 2011,” for “July 22, 2011,” and “December 31, 2011,” for “October 31, 2011,”.

Pub. L. 112–21 substituted “July 22, 2011,” for “June 30, 2011,” and “October 31, 2011,” for “September 30, 2011,”.

Pub. L. 112–16 substituted “June 30, 2011,” for “May 31, 2011,” and “September 30, 2011,” for “August 31, 2011,”.

Pub. L. 112–7 substituted “May 31, 2011,” for “March 31, 2011,” and “August 31, 2011,” for “June 30, 2011,”.

2010—Subsec. (f)(1). Pub. L. 111–329, §5(b), substituted “March 31, 2011,” for “December 31, 2010,” and “June 30, 2011,” for “March 31, 2011,”.

Pub. L. 111–249 substituted “December 31, 2010,” for “September 30, 2010,” and “March 31, 2011,” for “December 31, 2010,”.

Pub. L. 111–216 substituted “September 30, 2010,” for “August 1, 2010,” and “December 31, 2010,” for “October 31, 2010,”.

Pub. L. 111–197 substituted “August 1, 2010,” for “July 3, 2010,” and “October 31, 2010,” for “September 30, 2010,”.

Pub. L. 111–161 substituted “July 3, 2010,” for “April 30, 2010,” and “September 30, 2010,” for “July 31, 2010,”.

Pub. L. 111–153 substituted “April 30, 2010,” for “March 31, 2010,” and “July 31, 2010,” for “June 30, 2010,”.

2009—Subsec. (f)(1). Pub. L. 111–117, which directed the substitution of “September 30, 2010,” for “September 30, 2009,” and “December 31, 2010,” for “December 31, 2009,”, could not be executed because of the intervening amendment by Pub. L. 111–69. See below.

Pub. L. 111–116 substituted “March 31, 2010,” for “December 31, 2009,” and “June 30, 2010,” for “March 31, 2010,”.

Pub. L. 111–69 substituted “December 31, 2009,” for “September 30, 2009,” and “March 31, 2010,” for “December 31, 2009,”.

Pub. L. 111–12 substituted “September 30, 2009,” for “March 31, 2009,” and “December 31, 2009,” for “May 31, 2009,”.

2008—Subsec. (f)(1). Pub. L. 110–330 substituted “March 31, 2009,” for “November 30, 2008,” and “May 31, 2009,” for “December 31, 2008,”.

Pub. L. 110–253 substituted “November 30, 2008” for “August 31, 2008”.

2007—Subsec. (f)(1). Pub. L. 110–161 substituted “2008” for “2006” in two places.

2005—Subsec. (f)(1). Pub. L. 109–115 substituted “2006” for “2005” in two places.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44302(a) .....	49 App.:1532(a)(1) (less words between 1st and 3d commas), (3).	Aug. 23, 1958, Pub. L. 85–726, §1302(a), 72 Stat. 801; re-stated Nov. 9, 1977, Pub. L. 95–163, §2, 91 Stat. 1278; Oct. 31, 1992, Pub. L. 102–581, §401(b), 106 Stat. 4897.
	49 App.:1537(a) (last sentence words between 2d and 3d commas).	Aug. 23, 1958, Pub. L. 85–726, §1307(a) (last sentence words between 2d and 3d commas), 72 Stat. 804; Oct. 4, 1984, Pub. L. 98–443, §9(b), 98 Stat. 1706.
44302(b) .....	49 App.:1532(a)(1) (words between 1st and 2d commas), (2).	
44302(c) .....	49 App.:1532(a)(1) (words between 2d and 3d commas).	
44302(d) .....	49 App.:1541.	Aug. 23, 1958, Pub. L. 85–726, §1311, 72 Stat. 806.

In subsection (a)(1), before clause (A), the words “Subject to subsection (b) of this section” are added, and the words “American aircraft or foreign-flag aircraft” are substituted for “aircraft” in 49 App.:1532(a), for clarity. The words “in the manner and to the extent provided by this subchapter” are omitted as unnecessary. The words “Insurance shall be issued under this subchapter only to cover any risk from the operation of an aircraft . . . such aircraft is” are omitted because of the restatement. In clause (B), the word “places” is substituted for “points” for consistency in the revised title.

In subsection (a)(2), the words “An aircraft may be insured or reinsured for not more than” are substituted for “and such stated amount shall not exceed” in 49 App.:1537(a) for clarity and because of the restatement. The words “its reasonable value” are substituted for “an amount . . . to represent the fair and reasonable value of the aircraft” to eliminate unnecessary words. The words “Insurance or reinsurance may be provided only” are added because of the restatement. The word “conditions” is omitted as being included in “terms”.

In subsection (b), the words “The Secretary may provide insurance or reinsurance under subsection (a) of this section only with the approval of the President” are substituted for “with the approval of the President” for clarity and because of the restatement. The words “The President may” are substituted for “The President shall” because the authority of the President is discretionary.

In subsection (c), the words “the Secretary to consult . . . before providing insurance or reinsurance under this chapter” are substituted for “and after such consultation . . . as” because of the restatement. The words “departments, agencies, and instrumentalities” are substituted for “agencies” for consistency in the revised title and with other titles of the United States Code.

In subsection (d), the words “However, the Secretary may not benefit from the additional insurance” are substituted for “in that event, the Secretary shall not be entitled to the benefit of such insurance” for clarity.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (b)(4), is the date of enactment of Pub. L. 107–42, which was approved Sept. 22, 2001.

2004—Subsec. (f)(1). Pub. L. 108-447 substituted “2005” for “2004” in two places.

2003—Subsec. (f)(1). Pub. L. 108-11, substituted “2004” for “2003” in two places.

Subsec. (g). Pub. L. 108-176 added subsec. (g).

2002—Subsec. (f). Pub. L. 107-296 added subsec. (f).

2001—Subsec. (a)(1). Pub. L. 107-42, § 201(a)(1), substituted “subsection (c)” for “subsection (b)” and “foreign-flag aircraft,” for “foreign-flag aircraft—” and struck out subpars. (A) and (B) which read as follows: “(A) in foreign air commerce; or

“(B) between at least 2 places, all of which are outside the United States.”

Subsec. (b). Pub. L. 107-42, § 201(a)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 107-42, § 201(a)(2), (4), redesignated subsec. (b) as (c), in first sentence inserted “, or reimburse an air carrier under subsection (b) of this section,” before “only with the approval”, and in second sentence inserted “or the reimbursement” before “only after deciding” and “in the interest of air commerce or national security or” before “to carry out the foreign policy”. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 107-42, § 201(a)(2), (5), redesignated subsec. (c) as (d) and inserted “or reimbursing an air carrier” before “under this chapter”. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 107-42, § 201(a)(2), redesignated subsec. (d) as (e).

1997—Subsec. (a)(2). Pub. L. 105-137 substituted “as determined by the Secretary in accordance with reasonable business practices in the commercial aviation insurance industry.” for “as determined by the Secretary.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-27 effective July 23, 2011, see section 5(j) of Pub. L. 112-27, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-21 effective July 1, 2011, see section 5(j) of Pub. L. 112-21, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-16 effective June 1, 2011, see section 5(j) of Pub. L. 112-16, set out as a note under section 40117 of this title.

Amendment by Pub. L. 112-7 effective Apr. 1, 2011, see section 5(j) of Pub. L. 112-7, set out as a note under section 40117 of this title.

##### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-329 effective Jan. 1, 2011, see section 5(j) of Pub. L. 111-329, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-249 effective Oct. 1, 2010, see section 5(l) of Pub. L. 111-249, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-216 effective Aug. 2, 2010, see section 104(j) of Pub. L. 111-216, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-197 effective July 4, 2010, see section 5(j) of Pub. L. 111-197, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-161 effective May 1, 2010, see section 5(j) of Pub. L. 111-161, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-153 effective Apr. 1, 2010, see section 5(j) of Pub. L. 111-153, set out as a note under section 40117 of this title.

##### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-116 effective Jan. 1, 2010, see section 5(j) of Pub. L. 111-116, set out as a note under section 40117 of this title.

Amendment by Pub. L. 111-12 effective Apr. 1, 2009, see section 5(j) of Pub. L. 111-12, set out as a note under section 40117 of this title.

##### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-330 effective Oct. 1, 2008, see section 5(l) of Pub. L. 110-330, set out as a note under section 40117 of this title.

Amendment by Pub. L. 110-253 effective July 1, 2008, see section 3(d) of Pub. L. 110-253, set out as a note under section 9502 of Title 26, Internal Revenue Code.

##### 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.

##### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

##### EXTENSION OF TERMINATION DATE OF POLICIES

Pub. L. 109-289, div. B, title II, § 21002(a), as added by Pub. L. 110-5, § 2, Feb. 15, 2007, 121 Stat. 47, provided that subsec. (f)(1) of this section would be applied by substituting “September 30, 2007” for “August 31, 2006, and may extend through December 31, 2006”.

#### Executive Documents

##### PROVISION OF AVIATION INSURANCE COVERAGE FOR COMMERCIAL AIR CARRIER SERVICE

Determination of President of the United States, No. 94-39, July 26, 1994, 59 F.R. 38551, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, including 3 U.S.C. 301 and 49 U.S.C. 44302, I hereby:

(1) determine that continuation of authorized humanitarian relief air services to Haiti is necessary to carry out the foreign policy of the United States;

(2) approve provision by the Secretary of Transportation of insurance against loss or damage arising out of any risk from the operation of an aircraft in the manner and to the extent provided in 49 U.S.C. 44301-44310, whenever he determines that such insurance cannot be obtained on reasonable terms and conditions from any company authorized to conduct an insurance business in a State of the United States;

(3) delegate to the Secretary of Transportation, in consultation with the Secretary of State, the authority vested in me by 49 U.S.C. 44302(b) [now 44302(c)], for purposes of responding to the current crisis in Haiti; and

(4) delegate to the Secretary of Transportation, in consultation with the Secretary of State, the authority vested in me by 49 U.S.C. 44306(b) [now 44306(c)] for purposes of responding to the current crisis in Haiti.

The Secretary of Transportation is directed to bring this determination immediately to the attention of all air carriers within the meaning of 49 U.S.C. 40102(a)(2), and to arrange for its publication in the Federal Register.

WILLIAM J. CLINTON.

##### PROVISION OF AVIATION INSURANCE COVERAGE FOR COMMERCIAL AIR CARRIER SERVICE IN DOMESTIC AND INTERNATIONAL OPERATIONS

Memorandum for the Secretary of Transportation  
Memorandum of President of the United States, Dec. 27, 2013, 79 F.R. 527, provided:

By the authority vested in me as President by the Constitution and the laws of the United States, including 49 U.S.C. 44301-44310, I hereby:

1. Determine that the continuation of U.S. air transportation is necessary in the interest of air commerce, national security, and the foreign policy of the United States.

2. Approve provision by the Secretary of Transportation of insurance or reinsurance to U.S.-certificated

air carriers against loss or damage arising out of any risk from the operation of an aircraft, in the manner and to the extent provided in chapter 443 of title 49, United States Code, until January 15, 2014, if he determines that such insurance or reinsurance cannot be obtained on reasonable terms from any company authorized to conduct an insurance business in a State of the United States.

3. Delegate to the Secretary of Transportation the authority, vested in me by 49 U.S.C. 44306(c), to extend this approval and determination through December 31, 2014, or until any date prior to December 31, 2014, provided that the Congress further extends the date contained in section 44310 and further provided that he not use this delegation to extend this determination and approval beyond the dates authorized under any such provision of law with an ending effective date prior to December 31, 2014.

You are directed to bring this determination immediately to the attention of all air carriers, as defined in 49 U.S.C. 40102(a)(2), and to arrange for its publication in the Federal Register.

BARACK OBAMA.

Prior Presidential documents related to provision of insurance to U.S.-flag commercial air service were contained in the following:

Memorandum of President of the United States, Sept. 27, 2012, 77 F.R. 60035.

Memorandum of President of the United States, Sept. 28, 2011, 76 F.R. 61247.

Memorandum of President of the United States, Sept. 29, 2010, 75 F.R. 61033.

Memorandum of President of the United States, Aug. 21, 2009, 74 F.R. 43617.

Memorandum of President of the United States, Dec. 23, 2008, 73 F.R. 79589.

Memorandum of President of the United States, Dec. 27, 2007, 73 F.R. 1813.

Memorandum of President of the United States, Dec. 21, 2006, 71 F.R. 77243.

Memorandum of President of the United States, Dec. 22, 2005, 70 F.R. 76669.

Determination of President of the United States, No. 2005-15, Dec. 21, 2004, 69 F.R. 77607.

Determination of President of the United States, No. 2004-13, Dec. 11, 2003, 69 F.R. 5237.

Determination of President of the United States, No. 01-29, Sept. 23, 2001, 66 F.R. 49075.

#### § 44302a. Temporary insurance

(a) IN GENERAL.—The Secretary may provide insurance or reinsurance under this section to or for an air carrier for 1 coverage period not to exceed 90 days. Except as otherwise provided in this section, such insurance or reinsurance shall be subject to the requirements of this chapter.

(b) RESTRICTIONS.—A policy for insurance or reinsurance issued under this section—

(1) may not be issued unless the insurance carrier of the air carrier has unilaterally terminated the air carrier's war risk liability coverage pursuant to—

- (A) notice under the policy;
- (B) an endorsement to the policy; or
- (C) an automatic termination provision in the policy or any endorsement thereto; and

(2) may cover hull, comprehensive, and third party liability risks.

(c) PREMIUM.—A premium for insurance or reinsurance provided under this section shall be calculated based on a prorated amount equivalent to the premium that was in effect under the terminated insurance carrier policy.

(d) APPROVAL.—A policy for insurance or reinsurance provided under this section—

(1) shall be exempt from the requirements of section 44302(c); and

(2) may provide coverage to the extent allowed under section 44303, as determined by the Secretary, notwithstanding any determination by the President in subsection (a)(1) of such section.

(Added Pub. L. 117-328, div. Q, §103(a), Dec. 29, 2022, 136 Stat. 5252.)

#### § 44303. Coverage

(a) IN GENERAL.—The Secretary of Transportation may provide insurance and reinsurance, or reimburse insurance costs, as authorized under sections 44302 and 44302a of this title for the following:

(1) an American aircraft or foreign-flag aircraft engaged in aircraft operations the President decides are necessary in the interest of air commerce or national security or to carry out the foreign policy of the United States Government.

(2) property transported or to be transported on aircraft referred to in clause (1) of this section, including—

(A) shipments by express or registered mail;

(B) property owned by citizens or residents of the United States;

(C) property—

(i) imported to, or exported from, the United States; and

(ii) bought or sold by a citizen or resident of the United States under a contract putting the risk of loss or obligation to provide insurance against risk of loss on the citizen or resident; and

(D) property transported between—

(i) a place in a State or the District of Columbia and a place in a territory or possession of the United States;

(ii) a place in a territory or possession of the United States and a place in another territory or possession of the United States; or

(iii) 2 places in the same territory or possession of the United States.

(3) the personal effects and baggage of officers and members of the crew of an aircraft referred to in clause (1) of this section and of other individuals employed or transported on that aircraft.

(4) officers and members of the crew of an aircraft referred to in clause (1) of this section and other individuals employed or transported on that aircraft against loss of life, injury, or detention.

(5) statutory or contractual obligations or other liabilities, customarily covered by insurance, of an aircraft referred to in clause (1) of this section or of the owner or operator of that aircraft.

(6) loss or damage of an aircraft manufacturer resulting from operation of an aircraft by an air carrier and involving war or terrorism.

(b) AIR CARRIER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—For acts of terrorism committed on or to an air