

tation as an air carrier under section 41102 of this title only if the citizen complies with regulations and orders of the Secretary governing the filing of an insurance policy or self-insurance plan approved by the Secretary. The policy or plan must be sufficient to pay, not more than the amount of the insurance, for bodily injury to, or death of, an individual or for loss of, or damage to, property of others, resulting from the operation or maintenance of the aircraft under the certificate. A certificate does not remain in effect unless the carrier complies with this subsection.

(b) FINANCIAL RESPONSIBILITY.—To protect passengers and shippers using an aircraft operated by an air carrier issued a certificate under section 41102 of this title, the Secretary may require the carrier to file a performance bond or equivalent security in the amount and on terms the Secretary prescribes. The bond or security must be sufficient to ensure the carrier adequately will pay the passengers and shippers when the transportation the carrier agrees to provide is not provided. The Secretary shall prescribe the amounts to be paid under this subsection.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1126.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
41112 .....	49 App.:1371(q).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §401(q); added Oct. 24, 1978, Pub. L. 95-504, §20(d)(1), 92 Stat. 1722.
	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 subsection (a), the words “citizen of the United States” and “citizen” are substituted for “applicant for such certificate or the air carrier” for clarity and 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 receive a certificate. The words “as the case may be” are omitted as surplus. The words “to provide air transportation as an air carrier under section 41102 of this title” are added for clarity. The words “approved by the Secretary” are substituted for “governing the filing and approval . . . in the amount prescribed by the Board” to eliminate unnecessary words. The words “The policy or plan must be sufficient to pay” are substituted for “which are conditioned to pay . . . amounts” for clarity. The words “for which such applicant or such air carrier may become liable for” are omitted as surplus.

In subsection (b), the word “passengers” is substituted for “travelers” for consistency in this chapter. The words “issued . . . under section 41102 of this title” are added for clarity. The word “arrangement” is omitted as surplus. The word “provide” is substituted for “perform” for consistency in the revised title.

**§ 41113. Plans to address needs of families of passengers involved in aircraft accidents**

(a) SUBMISSION OF PLANS.—Each air carrier holding a certificate of public convenience and necessity under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident in-

volving an aircraft of the air carrier and resulting in a major loss of life.

(b) CONTENTS OF PLANS.—A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the air carrier.

(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the passengers, including any inscription on the monument.

(9) An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident) will be the same as the treatment of the families of revenue passengers.

(10) An assurance that the air carrier will work with any organization designated under section 1136(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

(11) An assurance that the air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) of this title for services provided by the organization.

(12) An assurance that the air carrier will assist the family of a passenger in traveling to

the location of the accident and provide for the physical care of the family while the family is staying at such location.

(13) An assurance that the air carrier will commit sufficient resources to carry out the plan.

(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident.

(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, will consult with the Board and the Department of State on the provision of the assistance.

(17)(A) An assurance that, in the case of an accident that results in significant damage to a manmade structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.

(c) **CERTIFICATE REQUIREMENT.**—The Secretary may not approve an application for a certificate of public convenience and necessity under section 41102 of this title unless the applicant has included as part of such application a plan that meets the requirements of subsection (b).

(d) **LIMITATION ON LIABILITY.**—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in preparing or providing a passenger list, or in providing information concerning a preliminary passenger manifest, pursuant to a plan submitted by the air carrier under subsection (b), unless such li-

ability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.

(e) **AIRCRAFT ACCIDENT AND PASSENGER DEFINED.**—In this section, the terms “aircraft accident” and “passenger” have the meanings such terms have in section 1136 of this title.

(f) **STATUTORY CONSTRUCTION.**—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

(Added Pub. L. 104-264, title VII, §703(a), Oct. 9, 1996, 110 Stat. 3267; amended Pub. L. 106-181, title IV, §402(a)(1)-(3), (5)-(c), Apr. 5, 2000, 114 Stat. 129, 130; Pub. L. 108-176, title VIII, §809(a), Dec. 12, 2003, 117 Stat. 2588.)

#### AMENDMENTS

2003—Subsec. (b)(16). Pub. L. 108-176, §809(a)(1), struck out “the air carrier” after “major loss of life.”

Subsec. (b)(17), (18). Pub. L. 108-176, §809(a)(2), added pars. (17) and (18).

2000—Subsec. (a). Pub. L. 106-181, §402(a)(5)(A), substituted “Each air carrier” for “Not later than 6 months after the date of the enactment of this section, each air carrier”.

Subsec. (b)(14) to (16). Pub. L. 106-181, §402(a)(1)-(3), added pars. (14) to (16).

Subsec. (c). Pub. L. 106-181, §402(a)(5)(B), substituted “The Secretary” for “After the date that is 6 months after the date of the enactment of this section, the Secretary”.

Subsec. (d). Pub. L. 106-181, §402(b), inserted “, or in providing information concerning a preliminary passenger manifest,” before “pursuant to a plan”.

Subsec. (f). Pub. L. 106-181, §402(c), added subsec. (f).

#### 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 2000 AMENDMENT

Amendment by section 402(a)(5)(B) to (c) of 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.

Pub. L. 106-181, title IV, §402(a)(4), Apr. 5, 2000, 114 Stat. 130, provided that: “The amendments made by paragraphs (1), (2), and (3) [amending this section] shall take effect on the 180th day following the date of the enactment of this Act [Apr. 5, 2000]. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary [of Transportation] and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3).”

#### EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

#### UPDATE PLANS

Pub. L. 108-176, title VIII, §809(c), Dec. 12, 2003, 117 Stat. 2589, provided that: “Air carriers and foreign air carriers shall update their plans under sections 41113

and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section [amending this section and section 41313 of this title] not later than 90 days after the date of enactment of this Act [Dec. 12, 2003].”

ESTABLISHMENT OF TASK FORCE

Section 704 of Pub. L. 104-264 provided that:  
 “(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.

“(b) GUIDELINES AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

- “(1) guidelines to assist air carriers in responding to aircraft accidents;
- “(2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;
- “(3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;
- “(4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;
- “(5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and
- “(6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including—

- “(A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;
- “(B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A);
- “(C) an analysis of any inconvenience to passengers, including flight delays, that would result if air carriers were required to take the steps described in subparagraph (A); and
- “(D) an analysis of the implications for personal privacy that would result if air carriers were required to take the steps described in subparagraph (A).

“(c) REPORT.—Not later than 1 year after the date of the enactment of this Act [Oct. 9, 1996], the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).”

LIMITATION ON STATUTORY CONSTRUCTION

Section 705 of title VII of Pub. L. 104-264 provided that: “Nothing in this title [enacting this section and section 1136 of this title, amending section 1155 of this title, and enacting provisions set out as notes under this section and section 40101 of this title] or any amendment made by this title may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.”

CHAPTER 413—FOREIGN AIR TRANSPORTATION

- Sec. 41301. Requirement for a permit.
- 41302. Permits of foreign air carriers.
- 41303. Transfers of permits.
- 41304. Effective periods and amendments, modifications, suspensions, and revocations of permits.
- 41305. Applications for permits.
- 41306. Simplified procedure to apply for, amend, modify, and suspend permits.
- 41307. Presidential review of actions about foreign air transportation.
- 41308. Exemption from the antitrust laws.
- 41309. Cooperative agreements and requests.
- 41310. Discriminatory practices.
- 41311. Gambling restrictions.
- 41312. Ending or suspending foreign air transportation.
- 41313. Plans to address needs of families of passengers involved in foreign air carrier accidents.

AMENDMENTS

- 1997—Pub. L. 105-148, §1(b), Dec. 16, 1997, 111 Stat. 2683, added item 41313.
- 1994—Pub. L. 103-429, §6(51)(B), Oct. 31, 1994, 108 Stat. 4385, added item 41312.
- Pub. L. 103-305, title II, §205(a)(2), Aug. 23, 1994, 108 Stat. 1583, added item 41311.

§ 41301. Requirement for a permit

A foreign air carrier may provide foreign air transportation only if the foreign air carrier holds a permit issued under this chapter authorizing the foreign air transportation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1126.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41301 .....	49 App.:1372(a).	Aug. 23, 1958, Pub. L. 85-726, §402(a), 72 Stat. 757.

The word “provide” is substituted for “engage in” for consistency in the revised title. The word “holds” is substituted for “there is in force” to eliminate unnecessary words.

§ 41302. Permits of foreign air carriers

The Secretary of Transportation may issue a permit to a person (except a citizen of the United States) authorizing the person to provide foreign air transportation as a foreign air carrier if the Secretary finds that—

- (1) the person is fit, willing, and able to provide the foreign air transportation to be authorized by the permit and to comply with this part and regulations of the Secretary; and
- (2)(A) the person is qualified, and has been designated by the government of its country, to provide the foreign air transportation under an agreement with the United States Government; or
- (B) the foreign air transportation to be provided under the permit will be in the public interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1126.)