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TITLE I—GENERAL PROVISIONS

DEFINITIONS

SEC. 101. [72 Stat. 737, 49 U.S.C. 1301] As used in this Act, unless the context otherwise requires—

(1) "Administrator" means the Administrator of the Federal Aviation Agency.

(2) "Aeronautics" means the science and art of flight.

(3) "Air carrier" means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation: *Provided*, That the Board may by order relieve air carriers who are not directly engaged in the operation of aircraft in air transportation from the provisions of this Act to the extent and for such periods as may be in the public interest.

(4) "Air commerce" means interstate, overseas, or foreign air commerce or the transportation of mail by aircraft or any operation or navigation or aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

(5) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

(6) "Aircraft engine" means an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.

(7) "Airman" means any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; and (except to the extent the Administrator may otherwise provide with respect to individuals employed outside the United States) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; and any individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator.

(8) "Air navigation facility" means any facility used in, available for use in, or designed for use in, aid of air navigation, including landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio-directional finding, or for radio or other electrical communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

(9) "Airport" means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.

(10) "Air transportation" means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

(11) "Appliances" means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines, or propellers.

(12) "Board" means the Civil Aeronautics Board.

(13) "Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory, or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions.

(14) "Civil aircraft" means any aircraft other than a public aircraft.

(15) "Civil aircraft of the United States" means any aircraft registered as provided in this Act.

(16) "Conditional sale" means (a) any contract for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part under which possession is delivered to the buyer and the property is to vest in the buyer at a subsequent time, upon the payment of part or all of the price, or upon the performance of any other condition or the happening of any contingency; or (b) any contract for the bailment or leasing of an aircraft, aircraft engine, propeller, appliance, or spare part, by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value thereof, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner thereof upon full compliance with the terms of the contract. The buyer, bailee, or lessee shall be deemed to be the person by whom any such contract is made or given.

(17) "Conveyance" means a bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, property.

(18) "Federal airway" means a portion of the navigable airspace of the United States designated by the Administrator as a Federal airway.

(19) "Foreign air carrier" means any person, not a citizen of the United States, who undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in foreign air transportation.

(20) "Interstate air commerce", "overseas air commerce", and "foreign air commerce", respectively, mean the carriage by aircraft of persons or property for compensation or hire, or the carriage of mail by aircraft, or the operation or navigation of aircraft in the conduct

or furtherance of a business or vocation, in commerce between, respectively—

(a) a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(b) a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; and

(c) a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(21) "Interstate air transportation", "overseas air transportation", and "foreign air transportation", respectively, mean the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between, respectively—

(a) a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the airspace over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia;

(b) a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States, and a place in any other Territory or possession of the United States; and

(c) a place in the United States and any place outside thereof; whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

(22) "Landing area" means any locality, either of land or water, including airports and intermediate landing fields, which is used, or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(23) "Mail" means United States mail and foreign-transit mail.

(24) "Navigable airspace" means airspace above the minimum altitudes of flight prescribed by regulations issued under this Act, and shall include airspace needed to insure safety in take-off and landing of aircraft.

(25) "Navigation of aircraft" or "navigate aircraft" includes the piloting of aircraft.

(26) "Operation of aircraft" or "operate aircraft" means the use of aircraft, for the purpose of air navigation and includes the navigation of aircraft. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed

to be engaged in the operation of aircraft within the meaning of this Act.

(27) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(28) "Propeller" includes all parts, appurtenances, and accessories thereof.

(29) "Possessions of the United States" means (a) the Canal Zone, but nothing herein shall impair or affect the jurisdiction which has heretofore been, or may hereafter be, granted to the President in respect of air navigation in the Canal Zone; and (b) all other possessions of the United States. Where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, references in this Act to possessions of the United States shall be treated as also referring to the Commonwealth of Puerto Rico.

(30) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof including the government of any State, Territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(31) "Spare parts" means parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto.

(32) "Ticket agent" means any person, not an air carrier or a foreign air carrier and not a bona fide employee of an air carrier or foreign air carrier, who, as principal or agent, sells or offers for sale any air transportation, or negotiates for, or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts or arranges for, such transportation.

(33) "United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the territorial waters and the overlying airspace thereof.

DECLARATION OF POLICY: THE BOARD

SEC. 102. [72 Stat. 740, 49 U.S.C. 1302] In the exercise and performance of its powers and duties under this Act, the Board shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity:

(a) The encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(b) The regulation of air transportation in such manner as to recognize and preserve the inherent advantages of, assure the highest degree of safety in, and foster sound economic conditions in, such transportation, and to improve the relations between, and coordinate transportation by, air carriers;

(c) The promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices;

(d) Competition to the extent necessary to assure the sound development of an air-transportation system properly adapted to the needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense;

(e) The promotion of safety in air commerce; and

(f) The promotion, encouragement, and development of civil aeronautics.

DECLARATION OF POLICY: THE ADMINISTRATOR

SEC. 103. [72 Stat. 740, 49 U.S.C. 1303] In the exercise and performance of his powers and duties under this Act the Administrator shall consider the following, among other things, as being in the public interest:

(a) The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense;

(b) The promotion, encouragement, and development of civil aeronautics;

(c) The control of the use of the navigable airspace of the United States and the regulation of both civil and military operations in such airspace in the interest of the safety and efficiency of both;

(d) The consolidation of research and development with respect to air navigation facilities, as well as the installation and operation thereof;

(e) The development and operation of a common system of air traffic control and navigation for both military and civil aircraft.

PUBLIC RIGHT OF TRANSIT

SEC. 104. [72 Stat. 740, 49 U.S.C. 1304] There is hereby recognized and declared to exist in behalf of any citizen of the United States a public right of freedom of transit through the navigable airspace of the United States.

TITLE II—CIVIL AERONAUTICS BOARD; GENERAL POWERS OF BOARD

CONTINUATION OF EXISTING BOARD

General

SEC. 201. [72 Stat. 741, 49 U.S.C. 1321] (a) (1) The Civil Aeronautics Board, created and established under the name "Civil Aeronautics Authority" by section 201 of the Civil Aeronautics Act of 1938 and redesignated as the "Civil Aeronautics Board" by Reorganization Plan No. IV of 1940, is hereby continued as an agency of the United States, and shall continue to be composed of five members appointed by the President, by and with the advice and consent of the Senate, for terms of six years, beginning upon the expiration of the terms for which their predecessors were appointed, except that any person appointed

to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified.

(2) The members of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No more than three of the members shall be appointed from the same political party. The President shall designate annually one of the members of the Board to serve as chairman and one of the members to serve as vice chairman, who shall act as chairman in the absence or incapacity of the chairman. Each member of the Board shall receive a salary at the rate of \$20,000 per annum, except that the member serving as chairman shall receive a salary at the rate of \$20,500 per annum.

Qualifications of Members

(b) The members of the Board shall be appointed with due regard to their fitness for the efficient dispatch of the powers and duties vested in and imposed upon the Board by this Act. Each member of the Board shall be a citizen of the United States and no member of the Board shall have any pecuniary interest in or own any stock in or Bonds of any civil aeronautics enterprise. No member of the Board shall engage in any other business, vocation, or employment.

Quorum, Principal Office, and Seal

(c) Three of the members shall constitute a quorum of the Board. The principal office of the Board shall be in the District of Columbia where its general sessions shall be held, but whenever the convenience of the public or of the parties may be promoted, or delay or expense may be prevented, the Board may hold hearings or other proceedings at any other place. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the secretary of the Board.

MISCELLANEOUS

Officers and Employees

SEC. 202. [72 Stat. 741, 49 U.S.C. 1322] (a) The Board is authorized, without regard to the civil-service and classification laws,¹ to appoint and prescribe the duties and fix the compensation of a secretary of the Board, and to fix the compensation of a secretary and an administrative assistant for each member, and subject to the civil-service and classification laws,² to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and to define their authority and duties.

Supergrades

(b) Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Board is authorized to

¹ But see Act of November 26, 1940, 54 Stat. 1211, 5 U.S.C. 631a.

² *Ibid.*

place not to exceed eight positions in grades 16, 17, and 18 of the General Schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505, the number of positions allocated to the Board under such section, and the number of positions authorized for the Board by Public Law 85-469 (72 Stat. 237). The number of positions authorized for the Board by Public Law 85-469 shall not cause a reduction in total number of positions under section 505(h) of the Classification Act of 1949, as amended.

Temporary Personnel

(c) The Board may, from time to time, without regard to the provisions of the civil-service laws, engage for temporary service such duly qualified consulting engineers or agencies, or other qualified persons as are necessary in the exercise and performance of the powers and duties of each, and fix the compensation of such engineers, agencies, or persons without regard to the Classification Act of 1949, as amended, and the expenses of such employment shall be paid out of sums appropriated for the expenses of the Board.

Cooperation With Other Federal Agencies

(d) The Board is authorized to use, with their consent, the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis when appropriate, and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Board.

AUTHORIZATION OF EXPENDITURES AND TRAVEL

General Authority

SEC. 203. [72 Stat. 742, 49 U.S.C. 1323] (a) The Board is empowered to make such expenditures at the seat of government and elsewhere as may be necessary for the exercise and performance of the powers and duties vested in and imposed upon the Board by law, and as from time to time may be appropriated for by Congress, including expenditures for (1) rent and personal services at the seat of government and elsewhere; (2) travel expenses; (3) office furniture, equipment and supplies, lawbooks, newspapers, periodicals, and books of reference (including the exchange thereof); (4) printing and binding; (5) membership in and cooperation with such organizations as are related to, or are part of, the civil-aeronautics industry or the art of aeronautics in the United States or in any foreign country; (6) making investigations and conducting studies in matters pertaining to aeronautics; and (7) acquisition (including exchange), operation, and maintenance of passenger-carrying automobiles and aircraft, and such other property as is necessary in the exercise and performance of the powers and duties of the Board: *Provided*, That no aircraft or motor vehicle purchased under the provisions of this section, shall be used otherwise than for official business.

Travel

(b) Travel by personnel of the United States Government on commercial aircraft, domestic or foreign, including travel between airports and centers of population or posts of duty when incidental to travel on commercial aircraft, shall be allowed at public expense when authorized or approved by competent authority, and transportation requests for such travel may be issued upon such authorizations. Such expense shall be allowed without regard to comparative costs of transportation by aircraft with other modes of transportation.

GENERAL POWERS AND DUTIES OF THE BOARD

General Powers

SEC. 204. [72 Stat. 743, 49 U.S.C. 1324] (a) The Board is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of this Act, as it shall deem necessary to carry out the provisions of, and to exercise and perform its powers and duties under this Act.

Cooperation With State Aeronautical Agencies

(b) The Board is empowered to confer with or to hold joint hearings with any State aeronautical agency, or other State agency, in connection with any matter arising under this Act within its jurisdiction, and to avail itself of the cooperation, services, records, and facilities of such State agencies as fully as may be practicable in the administration and enforcement of this Act.

Exchange of Information

(c) The Board is empowered to exchange with foreign governments, through appropriate agencies of the United States, information pertaining to aeronautics.

Publications

(d) Except as may be otherwise provided in this Act, the Board shall make a report in writing in all proceedings and investigations under this Act in which formal hearings have been held, and shall state in such report its conclusions together with its decision, order, or requirement in the premises. All such reports shall be entered of record and a copy thereof shall be furnished to all parties to the proceeding or investigation. The Board shall provide for the publication of such reports, and all other reports, orders, decisions, rules, and regulations issued by it under this Act in such form and manner as may be best adapted for public information and use. Publications purporting to be published by the Board shall be competent evidence of the orders, decisions, rules, regulations, and reports of the Board therein contained in all courts of the United States, and of the several States, Territories, and possessions thereof, and the District of Columbia, without further proof or authentication thereof.

ANNUAL REPORT

SEC. 205. [72 Stat. 744, 49 U.S.C. 1325] The Board shall make an annual report to the Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain in addition to a report of the work performed under this Act, such information and data collected by the Board as may be considered of value in the determination of questions connected with the development and regulation of civil aeronautics, together with such recommendations as to additional legislation relating thereto as the Board may deem necessary, and the Board may also transmit recommendations as to legislation at any other time.

TITLE III—ORGANIZATION OF AGENCY AND POWERS
AND DUTIES OF ADMINISTRATOR

CREATION OF AGENCY

General

SEC. 301. [72 Stat. 744, 49 U.S.C. 1341] (a) There is hereby established the Federal Aviation Agency, referred to in this Act as the "Agency". The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$22,500 per annum. The Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Agency, and shall have authority and control over all personnel and activities thereof. In the exercise of his duties and the discharge of his responsibilities under this Act, the Administrator shall not submit his decisions for the approval of, nor be bound by the decisions or recommendations of, any committee, board, or other organization created by Executive order.

Qualifications of Administrator

(b) The Administrator shall be a citizen of the United States, and shall be appointed with due regard for his fitness for the efficient discharge of the powers and duties vested in and imposed upon him by this Act. At the time of his nomination he shall be a civilian and shall have had experience in a field directly related to aviation. The Administrator shall have no pecuniary interest in or own any stock in or bonds of any aeronautical enterprise nor shall he engage in any other business, vocation, or employment.

Principal Office and Seal

(c) The principal office of the Agency shall be in or near the District of Columbia, but it may act and exercise all its powers at any other place. The Agency shall have an official seal which shall be judicially noticed.

ORGANIZATION OF AGENCY

Deputy Administrator

SEC. 302. [72 Stat. 744, 49 U.S.C. 1342, 1343] (a) There shall be a Deputy Administrator of the Agency who shall be appointed by the

President by and with the advice and consent of the Senate. The Deputy Administrator shall receive compensation at the rate of \$20,500 per annum, and shall perform such duties and exercise such powers as the Administrator shall prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during his absence or disability.

QUALIFICATIONS AND STATUS OF DEPUTY ADMINISTRATOR

(b) The Deputy Administrator shall be a citizen of the United States, and shall be appointed with due regard for his fitness for the efficient discharge of the powers and duties vested in and imposed upon him by this Act. At the time of his nomination he shall have had experience in a field directly related to aviation. He shall have no pecuniary interest in nor own any stocks in or bonds of any aeronautical enterprise, nor shall he engage in any other business, vocation, or employment. Nothing in this Act or other law shall preclude appointment to the position of Deputy Administrator of an officer on active duty with the armed services; except that if the Administrator is a former regular officer of any one of the armed services, the Deputy Administrator shall not be an officer on active duty with one of the armed services or a retired regular officer or a former regular officer of one of the armed services. Any officer on active duty or any retired officer, while serving as Deputy Administrator, shall continue to hold rank and grade not lower than that in which serving at the time of his appointment as Deputy Administrator, and shall be entitled to receive (1) the compensation provided for the Deputy Administrator by subsection (a) of this section, or (2) the military pay and allowances (including personal money allowance) or the retired pay, as the case may be, payable to a commissioned officer of his grade and length of service, whichever he may elect. Whenever any officer serving as Deputy Administrator elects to receive his military pay and allowances (including personal money allowance), or his retired pay, as the case may be, the appropriate department shall be reimbursed from any funds available to defray the expenses of the Agency.

MILITARY PARTICIPATION

(c) (1) In order to insure that the interests of national defense are properly safeguarded and that the Administrator is properly advised as to the needs and special problems of the armed services, the Administrator shall provide for participation of military personnel in carrying out his functions relating to regulation and protection of air traffic, including provision of air navigation facilities, and research and development with respect thereto, and the allocation of airspace. Members of the Army, the Navy, the Air Force, the Marine Corps, or the Coast Guard may be detailed by the appropriate Secretary, pursuant to cooperative agreements with the Administrator, including such agreement on reimbursement as may be deemed advisable by the Administrator and the Secretary concerned, for service in the Agency to effect such participation.

(2) Appointment to, acceptance of, and service as Deputy Administrator or under such cooperative agreements shall in no way affect status, office, rank, or grade which commissioned officers or enlisted

men may occupy or hold, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. No person so detailed or appointed shall be subject to direction by or control by the department from which detailed or appointed or by any agency or officer thereof directly or indirectly with respect to his responsibilities under this Act or within the Agency.

(3) The Administrator, within six months of the effective date of this paragraph and semiannually thereafter, shall report in writing to the appropriate committees of the Congress on agreements entered into under this subsection, including the number, rank, and positions of members of the armed services detailed pursuant thereto, together with his evaluation of the effectiveness of such agreements and assignments of personnel thereunder in accomplishing the purposes of such subsection.

Exchange of Information

(d) In order to assist the Administrator further in the discharge of responsibilities under this Act, the Administrator and the Secretary of Defense, and the Administrator and the Administrator of the National Aeronautics and Space Administration, are directed to establish by cooperative agreement suitable arrangements for the timely exchange of information pertaining to their programs, policies, and requirements directly relating to such responsibilities.

Emergency Status

(e) The Administrator shall develop, in consultation with the Department of Defense and other affected Government agencies, plans for the effective discharge of the responsibilities of the Agency in the event of war, and shall propose to Congress on or before January 1, 1960, legislation for such purpose: *Provided*, That in the event of war the President by Executive order may transfer to the Department of Defense any functions (including powers, duties, activities, facilities, and parts of functions) of the Agency prior to enactment of such proposed legislation. In connection with any such transfer, the President may provide for appropriate transfers of records, property, and personnel.

Officers and Employees

(f) The Administrator is authorized, subject to the civil-service and classification laws, to select, employ, appoint, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and to define their authority and duties, except that the Administrator may fix the compensation for not more than ten positions at rates not to exceed \$19,500 per annum.

Study of Special Personnel Problems

(g) The Administrator shall make a study, in consultation with other affected Government agencies, of personnel problems inherent in the functions of the Agency, giving due consideration to the need for (1) special qualifications and training, (2) special provisions as

to pay, retirement, and hours of service, and (3) special provisions to assure availability, responsiveness, and security status of essential personnel in fulfilling national defense requirements, and shall report the results thereof, and make recommendations for legislation thereon, to Congress on or before January 1, 1960.

Scientific Employees

(h) The Administrator is authorized to establish and fix the compensation for not to exceed fifteen positions of officers and employees of the Agency of a scientific or professional nature without regard to the Classification Act of 1949, as amended, each such position being established to effectuate those research, development, and related activities of the Agency which require the services of specially qualified scientific or professional personnel. The rates of basic compensation for positions established pursuant to this subsection shall not exceed the maximum rate payable under the Act of August 1, 1947 (Public Law 313, Eightieth Congress), as amended, and Title V of the Act of July 31, 1956 (Public Law 854, Eighty-fourth Congress), and shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointment to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose.

Advisory Committees and Consultants

(i) The Administrator is authorized to appoint such advisory committees as shall be appropriate for the purpose of consultation with and advice to the Agency in performance of its functions hereunder and to obtain services authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), at rates not to exceed \$100 per diem for individuals, and for not to exceed one hundred days in any calendar year in the case of any individual. Members of such committees shall be entitled to travel expenses and per diem as authorized by the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2), for all persons employed intermittently as consultants or experts receiving compensation on a per diem basis.

Supergrades

(j) Subject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, the Administrator is authorized to place not to exceed fifty positions in grades 16, 17, and 18 of the General Schedule established by such Act. Such positions shall be in addition to (1) the number of positions authorized to be placed in such grades by such section 505 and (2) the number of positions transferred to the Agency under section 1502 of this Act which were (A) allocated under such section 505 to the Civil Aeronautics Administration of the Department of Commerce, (B) authorized for the Airways Modernization Board by Public Law 85-133 (71 Stat. 350), or (C) authorized for the Civil Aeronautics Administration by Public Law 85-469 (72 Stat. 228). The number of positions authorized for

the Civil Aeronautics Administration by Public Law 85-469 shall not cause a reduction in total number of positions under section 505 (h) of the Classification Act of 1949, as amended.

Cooperation With Other Agencies

(k) The Administrator is authorized to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis when appropriate, and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Agency. The Administrator is further authorized to confer with and avail himself of the cooperation, services, records, and facilities of State, Territorial, municipal or other local agencies.

ADMINISTRATION OF THE AGENCY

Authorization of Expenditures and Travel

SEC. 303. [72 Stat. 747, 49 U.S.C. 1344] (a) The Administrator is empowered to make such expenditures at the seat of government and elsewhere as may be necessary for the exercise and performance of the powers and duties vested in and imposed upon him by law, and as from time to time may be appropriated for by Congress, including expenditures for (1) rent and personal services at the seat of government and elsewhere; (2) travel expenses; (3) office furniture, equipment and supplies, lawbooks, newspapers, periodicals, and books of reference (including the exchange thereof); (4) printing and binding; (5) membership in and cooperation with such organizations as are related to, or are part of, the civil aeronautics industry or the art of aeronautics in the United States or in any foreign country; (6) payment of allowances and other benefits to employees stationed in foreign countries to the same extent as authorized from time to time for members of the Foreign Service of the United States of comparable grade; (7) making investigations and conducting studies in matters pertaining to aeronautics; and (8) acquisition (including exchange), operation and maintenance of passenger-carrying automobiles and aircraft, and such other property as is necessary in the exercise and performance of the powers and duties of the Administrator: *Provided*, That no aircraft or motor vehicles, purchased under the provisions of this section, shall be used otherwise than for official business.

Supplies and Materials for Overseas Installations

(b) When appropriations for any fiscal year for the Agency have not been made prior to the first day of March preceding the beginning of such fiscal year, the Administrator may authorize such officer or officers as may be designated by him to incur obligations for the purchase and transportation of supplies and materials necessary to the proper execution of the Administrator's functions at installations outside the continental United States, including those in Alaska, in amounts not to exceed 75 per centum of the amount that had been made

available for such purposes for the fiscal year then current, payments of these obligations to be made from the appropriations for the next succeeding fiscal year when they become available.

Acquisition and Disposal of Property

(c) The Administrator, on behalf of the United States, is authorized, where appropriate: (1) to accept any conditional or unconditional gift or donation of money or other property, real or personal, or of services; (2) within the limits of available appropriations made by the Congress therefor, to acquire by purchase, condemnation, lease, or otherwise, real property or interests therein, including, in the case of air navigation facilities (including airports) owned by the United States and operated under the direction of the Administrator, easements through or other interests in airspace immediately adjacent thereto and needed in connection therewith: *Provided*, That the authority herein granted shall not include authority for the acquisition of space in buildings for use by the Federal Aviation Agency, suitable accommodations for which shall be provided by the Administrator of General Services, unless the Administrator of General Services determines, pursuant to section 1(d) of Reorganization Plan Numbered 18, 1950 (64 Stat. 1270; 5 U.S.C. 133z-15 note), that the space to be acquired is to be utilized for the special purposes of the Federal Aviation Agency and is not generally suitable for the use of other agencies; (3) for adequate compensation, by sale, lease, or otherwise, to dispose of any real or personal property or interest therein: *Provided*, That, except for airport and airway property and technical equipment used for the special purposes of the Agency, such disposition shall be made in accordance with the Federal Property and Administrative Services Act of 1949, as amended; and (4) to construct, improve, or renovate laboratories and other test facilities and to purchase or otherwise acquire real property required therefor. Any such acquisition by condemnation may be made in accordance with the provisions of the Act of August 1, 1888 (40 U.S.C. 257; 25 Stat. 357), the Act of February 26, 1931 (40 U.S.C. 258a-258e; 46 Stat. 1421), or any other applicable Act: *Provided*, That in the case of condemnations of easements through or other interests in airspace, in fixing condemnation awards, consideration may be given to the reasonable probable future use of the underlying land.

Delegation of Functions

(d) The Administrator may, subject to such regulations, supervision, and review as he may prescribe, from time to time make such provision as he shall deem appropriate authorizing the performance by any officer, employee, or administrative unit under his jurisdiction of any function under this Act; or, with its consent, authorizing the performance by any other Federal department or agency of any function under section 307(b) of this Act.

AUTHORITY OF PRESIDENT TO TRANSFER CERTAIN FUNCTIONS

SEC. 304. [72 Stat. 749, 49 U.S.C. 1345] The President may transfer to the Administrator any functions (including powers, duties,

activities, facilities, and parts of functions) of the executive departments or agencies of the Government or of any officer or organizational entity thereof which relate primarily to selecting, developing, testing, evaluating, establishing, operating and maintaining systems, procedures, facilities, or devices for safe and efficient air navigation and air traffic control. In connection with any such transfer, the President may provide for appropriate transfers of records, property, and for necessary civilian and military personnel to be made available from the other office, department, or other agency from which the transfer is made.

FOSTERING OF AIR COMMERCE

SEC. 305. [72 Stat. 749, 49 U.S.C. 1346] The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad.

NATIONAL DEFENSE AND CIVIL NEEDS

SEC. 306. [72 Stat. 749, 49 U.S.C. 1347] In exercising the authority granted in, and discharging the duties imposed by, this Act, the Administrator shall give full consideration to the requirements of national defense, and of commercial and general aviation, and to the public right of freedom of transit through the navigable airspace.

AIRSPACE CONTROL AND FACILITIES

Use of Airspace

SEC. 307. [72 Stat. 749, 49 U.S.C. 1348] (a) The Administrator is authorized and directed to develop plans for and formulate policy with respect to the use of the navigable airspace; and assign by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as he may deem necessary in order to insure the safety of aircraft and the efficient utilization of such airspace. He may modify or revoke such assignment when required in the public interest.

Air Navigation Facilities

(b) The Administrator is authorized, within the limits of available appropriations made by the Congress, (1) to acquire, establish, and improve air-navigation facilities wherever necessary; (2) to operate and maintain such air-navigation facilities; (3) to arrange for publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation utilizing the facilities and assistance of existing agencies of the Government so far as practicable; and (4) to provide necessary facilities and personnel for the regulation and protection of air traffic.

Air Traffic Rules

(c) The Administrator is further authorized and directed to prescribe air traffic rules and regulations governing the flight of aircraft, for the navigation, protection, and identification of aircraft, for the

protection of persons and property on the ground, and for the efficient utilization of the navigable airspace including rules as to safe altitudes of flight and rules for the prevention of collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

Applicability of Administrative Procedure Act

(d) In the exercise of the rulemaking authority under subsections (a) and (c) of this section, the Administrator shall be subject to the provisions of the Administrative Procedure Act, notwithstanding any exception relating to military or naval functions in section 4 thereof.

Exemptions

(e) The Administrator from time to time may grant exemptions from the requirements of any rule or regulation prescribed under this title if he finds that such action would be in the public interest.

Exception for Military Emergencies

(f) When it is essential to the defense of the United States because of a military emergency or urgent military necessity, and when appropriate military authority so determines, and when prior notice thereof is given to the Administrator, such military authority may authorize deviation by military aircraft of the national defense forces of the United States from air traffic rules issued pursuant to this title. Such prior notice shall be given to the Administrator at the earliest time practicable and, to the extent time and circumstances permit, every reasonable effort shall be made to consult fully with the Administrator and to arrange in advance for the required deviation from the rules on a mutually acceptable basis.

EXPENDITURE OF FEDERAL FUNDS FOR CERTAIN AIRPORTS, ETC.

Airports for Other Than Military Purposes

SEC. 308. [72 Stat. 750, 49 U.S.C. 1349] (a) No Federal funds, other than those expended under this Act, shall be expended, other than for military purposes (whether or not in cooperation with State or other local governmental agencies), for the acquisition, establishment, construction, alteration, repair, maintenance, or operation of any landing area, or for the acquisition, establishment, construction, maintenance, or operation of air navigation facilities thereon, except upon written recommendation and certification by the Administrator that such landing area or facility is reasonably necessary for use in air commerce or in the interests of national defense. Any interested person may apply to the Administrator, under regulations prescribed by him, for such recommendation and certification with respect to any landing area or air navigation facility proposed to be established, constructed, altered, repaired, maintained, or operated by, or in the interests of, such person. There shall be no exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended.

Location of Airports, Landing Areas, and Missile and Rocket Sites

(b) In order to assure conformity to plans and policies for allocations of airspace by the Administrator under section 307 of this Act, no military airport or landing area, or missile or rocket site shall be acquired, established, or constructed, or any runway layout substantially altered, unless reasonable prior notice thereof is given the Administrator so that he may advise with the appropriate committees of the Congress and other interested agencies as to the effects of such acquisition, establishment, construction, or alteration on the use of airspace by aircraft. In case of a disagreement between the Administrator and the Department of Defense or the National Aeronautics and Space Administration the matter may be appealed to the President for final determination.

OTHER AIRPORTS

SEC. 309. [72 Stat. 751, 49 U.S.C. 1350] In order to assure conformity to plans and policies for, and allocations of, airspace by the Administrator under section 307 of this Act, no airport or landing area not involving expenditure of Federal funds shall be established, or constructed, or any runway layout substantially altered unless reasonable prior notice thereof is given the Administrator, pursuant to regulations prescribed by him, so that he may advise as to the effects of such construction on the use of airspace by aircraft.

METEOROLOGICAL SERVICE

SEC. 310. [72 Stat. 751, 49 U.S.C. 1351] The Administrator is empowered and directed to make recommendations to the Secretary of Commerce for providing meteorological service necessary for the safe and efficient movement of aircraft in air commerce. In providing meteorological services, the Secretary of Commerce shall cooperate with the Administrator and give full consideration to such recommendations.

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 311. [72 Stat. 751, 49 U.S.C. 1352] The Administrator is empowered and directed to collect and disseminate information relative to civil aeronautics (other than information collected and disseminated by the Board under titles IV and VII of this Act); to study the possibilities of the development of air commerce and the aeronautical industry; and to exchange with foreign governments, through appropriate governmental channels, information pertaining to civil aeronautics.

DEVELOPMENT PLANNING

General

SEC. 312. [72 Stat. 752, 49 U.S.C. 1353] (a) The Administrator is directed to make long range plans for and formulate policy with respect to the orderly development and use of the navigable airspace, and the orderly development and location of landing areas, Federal airways, radar installations and all other aids and facilities for air

navigation, as will best meet the needs of, and serve the interest of civil aeronautics and national defense, except for those needs of military agencies which are peculiar to air warfare and primarily of military concern.

Aircraft

(b) The Administrator is empowered to undertake or supervise such developmental work and service testing as tends to the creation of improved aircraft, aircraft engines, propellers, and appliances. For such purpose, the Administrator is empowered to make purchases (including exchange) by negotiation, or otherwise, of experimental aircraft, aircraft engines, propellers, and appliances, which seem to offer special advantages to aeronautics.

Research and Development

(c) The Administrator shall develop, modify, test, and evaluate systems, procedures, facilities, and devices, as well as define the performance characteristics thereof, to meet the needs for safe and efficient navigation and traffic control of all civil and military aviation except for those needs of military agencies which are peculiar to air warfare and primarily of military concern, and select such systems, procedures, facilities, and devices as will best serve such needs and will promote maximum coordination of air traffic control and air defense systems. Contracts may be entered into for this purpose without regard to section 3643 of the Revised Statutes, as amended (31 U.S.C. 529). When there is any substantial question as to whether a matter is of primary concern to the military, the Administrator is authorized and directed to determine whether he or the appropriate military agency shall have responsibility. Technical information concerning any research and development projects of the military agencies which have potential application to the needs of, or possible conflict with, the common system shall be furnished to the Administrator to the maximum extent necessary to insure that common system application potential is properly considered and potential future conflicts with the common system are eliminated.

OTHER POWERS AND DUTIES OF ADMINISTRATOR

General

SEC. 313. [72 Stat. 752, 49 U.S.C. 1354] (a) The Administrator is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedures, pursuant to and consistent with the provisions of this Act, as he shall deem necessary to carry out the provisions of, and to exercise and perform his powers and duties under, this Act.

Publications

(b) Except as may be otherwise provided in this Act, the Administrator shall make a report in writing on all proceedings and investigations under this Act in which formal hearings have been held,

and shall state in such report his conclusions together with his decisions, order, or requirement in the premises. All such reports shall be entered of record and a copy thereof shall be furnished to all parties to the proceeding or investigation. The Administrator shall provide for the publication of such reports, and all other reports, orders, decisions, rules, and regulations issued by him under this Act in such form and manner as may be best adapted for public information and use. Publications purporting to be published by the Administrator shall be competent evidence of the orders, decisions, rules, regulations, and reports of the Administrator therein contained in all courts of the United States, and of the several States, Territories, and possessions thereof, and the District of Columbia, without further proof or authentication thereof.

Power To Conduct Hearings and Investigations

(c) In the conduct of any public hearings or investigations authorized by this Act or by the Federal Airport Act, the Administrator shall have the same powers to take evidence, issue subpoenas, take depositions, and compel testimony as are vested in members of the Board and its duly designated examiners by section 1004 of this Act. Actions of the Administrator in such cases shall be governed by the procedures specified in section 1004 and be enforced in the manner provided therein.

Training Schools

(d) The Administrator is empowered to conduct a school or schools for the purpose of training employees of the Agency in those subjects necessary for the proper performance of all authorized functions of the Agency. He may also authorize attendance at courses given in such school or schools of other governmental personnel, and personnel of foreign governments, or personnel of the aeronautics industry: *Provided*, That in the event the attendance of such persons shall increase the cost of operation of such school or schools, the Administrator may require the payment or transfer of sufficient funds or other appropriate consideration to offset the additional costs. In providing any training to employees of the Agency or of other agencies of the Federal Government, the Administrator shall be subject to the provisions of the Government Employees Training Act (72 Stat. 327). Funds received by the Administrator hereunder may be credited (1) to appropriations current at the time the expenditures are to be or have been paid, (2) to appropriations current at the time such funds are received, or (3) in part as provided under clause (1) and in part as provided under clause (2).

Annual Report

(e) The Administrator shall submit to the President and to the Congress an annual report. Such report shall contain, in addition to a report of the work performed under this Act, such information and data collected by the Administrator as may be considered of value in the determination of questions connected with the development and regulation of civil aeronautics, the utilization of national airspace, and the improvement of the air navigation and traffic control

system, together with such recommendations as to additional legislation related thereto as the Administrator may deem necessary, and the Administrator may also transmit recommendations as to legislation at any other time.

DELEGATION OF POWERS AND DUTIES TO PRIVATE PERSONS

Delegation by Administrator

SEC. 314. [72 Stat. 754, 49 U.S.C. 1355] (a) In exercising the powers and duties vested in him by this Act, the Administrator may, subject to such regulations, supervision, and review as he may prescribe, delegate to any properly qualified private person, or to any employee or employees under the supervision of such person, any work, business, or function respecting (1) the examination, inspection, and testing necessary to the issuance of certificates under title VI of this Act, and (2) the issuance of such certificates in accordance with standards established by him. The Administrator may establish the maximum fees which such private persons may charge for their services and may rescind any delegation made by him pursuant to this subsection at any time and for any reason which he deems appropriate.

Application for Reconsideration

(b) Any person affected by any action taken by any private person exercising delegated authority under this section may apply for reconsideration of such action by the Administrator. The Administrator upon his own initiative, with respect to the authority granted under subsection (a), may reconsider the action of any private person either before or after it has become effective. If, upon reconsideration by the Administrator, it shall appear that the action in question is in any respect unjust or unwarranted, the Administrator shall reverse, change, or modify the same accordingly; otherwise such action shall be affirmed: *Provided*, That nothing in this subsection shall be construed as modifying, amending, or repealing any provisions of the Administrative Procedure Act.

TITLE IV—AIR CARRIER ECONOMIC REGULATION

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Certificate Required

SEC. 401. [72 Stat. 754, 49 U.S.C. 1371] (a) No air carrier shall engage in any air transportation unless there is in force a certificate issued by the Board authorizing such air carrier to engage in such transportation.

Application for Certificate

(b) Application for a certificate shall be made in writing to the Board and shall be so verified, shall be in such form and contain such information, and shall be accompanied by such proof of service upon such interested persons, as the Board shall by regulation require.

Notice of Application

(c) Upon the filing of any such application, the Board shall give due notice thereof to the public by posting a notice of such application in the office of the secretary of the Board and to such other persons as the Board may by regulation determine. Any interested person may file with the Board a protest or memorandum of opposition to or in support of the issuance of a certificate. Such application shall be set for a public hearing, and the Board shall dispose of such application as speedily as possible.

Issuance of Certificate

(d) (1) The Board shall issue a certificate authorizing the whole or any part of the transportation covered by the application, if it finds that the applicant is fit, willing, and able to perform such transportation properly, and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder, and that such transportation is required by the public convenience and necessity; otherwise such application shall be denied.

(2) In the case of an application for a certificate to engage in temporary air transportation, the Board may issue a certificate authorizing the whole or any part thereof for such limited periods as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform such transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder.

Terms and Conditions of Certificate

(e) Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation and the service to be rendered; and there shall be attached to the exercise of the privileges granted by the certificate, or amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require. A certificate issued under this section to engage in foreign air transportation shall, insofar as the operation is to take place without the United States, designate the terminal and intermediate points only insofar as the Board shall deem practicable, and otherwise shall designate only the general route or routes to be followed. Any air carrier holding a certificate for foreign air transportation shall be authorized to handle and transport mail of countries other than the United States. No term, condition, or limitation of a certificate shall restrict the right of an air carrier to add to or change schedules, equipment, accommodations, and facilities for performing the authorized transportation and service as the development of the business and the demands of the public shall require. No air carrier shall be deemed to have violated any term, condition, or limitation of its certificate by landing or taking off during an emergency at a point not named in its certificate or by operating in an emergency under regulations which may be prescribed by the Board, between terminal and intermediate points other than those specified in its certificate. Any air carrier

may make charter trips or perform any other special service, without regard to the points named in its certificate, under regulations prescribed by the Board.

Effective Date and Duration of Certificate

(f) Each certificate shall be effective from the date specified therein, and shall continue in effect until suspended or revoked as hereinafter provided, or until the Board shall certify that operation thereunder has ceased, or, if issued for a limited period of time under subsection (d) (2) of this section, shall continue in effect until the expiration thereof, unless, prior to the date of expiration, such certificate shall be suspended or revoked as provided herein, or the Board shall certify that operations thereunder have ceased: *Provided*, That if any service authorized by a certificate is not inaugurated within such period, not less than ninety days, after the date of the authorization as shall be fixed by the Board, or if, for a period of ninety days or such other period as may be designated by the Board any such service is not operated, the Board may by order, entered after notice and hearing, direct that such certificate shall thereupon cease to be effective to the extent of such service.

Authority to Modify, Suspend, or Revoke

(g) The Board upon petition or complaint or upon its own initiative, after notice and hearings, may alter, amend, modify, or suspend any such certificate, in whole or in part, if the public convenience and necessity so require, or may revoke any such certificate, in whole or in part, for intentional failure to comply with any provision of this title or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such certificate: *Provided*, That no such certificate shall be revoked unless the holder thereof fails to comply, within a reasonable time to be fixed by the Board, with an order of the Board commanding obedience to the provision, or to the order (other than an order issued in accordance with this proviso), rule, regulation, term, condition, or limitation found by the Board to have been violated. Any interested person may file with the Board a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of the certificate.

Transfer of Certificate

(h) No certificate may be transferred unless such transfer is approved by the Board as being consistent with the public interest.

Certain Rights Not Conferred by Certificate

(i) No certificate shall confer any proprietary, property, or exclusive right in the use of any airspace, Federal airway, landing area, or air-navigation facility.

Application for Abandonment

(j) No air carrier shall abandon any route, or part thereof, for which a certificate has been issued by the Board, unless, upon the

application of such air carrier, after notice and hearing, the Board shall find such abandonment to be in the public interest. Any interested person may file with the Board a protest or memorandum of opposition to or in support of any such abandonment. The Board may, by regulations or otherwise, authorize such temporary suspension of service as may be in the public interest.

Compliance With Labor Legislation

(k) (1) Every air carrier shall maintain rates of compensation, maximum hours, and other working conditions and relations of all of its pilots and copilots who are engaged in interstate air transportation within the continental United States (not including Alaska) so as to conform with decision numbered 83 made by the National Labor Board on May 10, 1934, notwithstanding any limitation therein as to the period of its effectiveness.

(2) Every air carrier shall maintain rates of compensation for all of its pilots and copilots who are engaged in overseas or foreign air transportation or air transportation wholly within a Territory or possession of the United States, the minimum of which shall be not less, upon an annual basis, than the compensation required to be paid under said decision 83 for comparable service to pilots and copilots engaged in interstate air transportation within the continental United States (not including Alaska).

(3) Nothing herein contained shall be construed as restricting the right of any such pilots or copilots, or other employees, of any such air carrier to obtain by collective bargaining higher rates of compensation or more favorable working conditions or relations.

(4) It shall be a condition upon the holding of a certificate by any air carrier that such carrier shall comply with title II of the Railway Labor Act, as amended.

(5) The term "pilot" as used in this subsection shall mean an employee who is responsible for the manipulation of or who manipulates the flight controls of an aircraft while under way including take-off and landing of such aircraft, and the term "copilot" as used in this subsection shall mean an employee any part of whose duty is to assist or relieve the pilot in such manipulation, and who is properly qualified to serve as, and holds a currently effective airman certificate authorizing him to serve as, such pilot or copilot.

Requirement as to Carriage of Mail

(l) Whenever so authorized by its certificate, any air carrier shall provide necessary and adequate facilities and service for the transportation of mail, and shall transport mail whenever required by the Postmaster General. Such air carrier shall be entitled to receive reasonable compensation therefor as hereinafter provided.

Application for New Mail Service

(m) Whenever, from time to time, the Postmaster General shall find that the needs of the Postal Service require the transportation of mail by aircraft between any points within the United States or between the United States and foreign countries, in addition to the

transportation of mail authorized in certificates then currently effective, the Postmaster General shall certify such finding to the Board and file therewith a statement showing such additional service and the facilities necessary in connection therewith, and a copy of such certification and statement shall be posted for at least twenty days in the office of the secretary of the Board. The Board shall, after notice and hearing, and if found by it to be required by the public convenience and necessity, make provision for such additional service, and the facilities necessary in connection therewith, by issuing a new certificate or certificates or by amending an existing certificate or certificates in accordance with the provisions of this section.

PERMITS TO FOREIGN AIR CARRIERS

Permit Required

SEC. 402. [72 Stat. 757, 49 U.S.C. 1372] (a) No foreign air carrier shall engage in foreign air transportation unless there is in force a permit issued by the Board authorizing such carrier so to engage.

Issuance of Permit

(b) The Board is empowered to issue such a permit if it finds that such carrier is fit, willing, and able properly to perform such air transportation and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder, and that such transportation will be in the public interest.

Application for Permit

(c) Application for a permit shall be made in writing to the Board, shall be so verified, shall be in such form and contain such information, and shall be accompanied by such proof of service upon such interested persons, as the Board shall by regulation require.

Notice of Application

(d) Upon the filing of an application for a permit the Board shall give due notice thereof to the public by posting a notice of such application in the office of the secretary of the Board and to such other persons as the Board may by regulation determine. Any interested person may file with the Board a protest or memorandum of opposition to or in support of the issuance of a permit. Such application shall be set for public hearing and the Board shall dispose of such application as speedily as possible.

Terms and Conditions of Permit

(e) The Board may prescribe the duration of any permit and may attach to such permit such reasonable terms, conditions, or limitations as, in its judgment, the public interest may require.

Authority to Modify, Suspend, or Revoke

(f) Any permit issued under the provisions of this section may, after notice and hearing, be altered, modified, amended, suspended,

canceled, or revoked by the Board whenever it finds such action to be in the public interest. Any interested person may file with the Board a protest or memorandum in support of or in opposition to the alteration, modification, amendment, suspension, cancellation, or revocation of a permit.

Transfer of Permit

(g) No permit may be transferred unless such transfer is approved by the Board as being in the public interest.

TARIFFS OF AIR CARRIERS

Filing of Tariffs Required

SEC. 403. [72 Stat. 758, 49 U.S.C. 1373] (a) Every air carrier and every foreign air carrier shall file with the Board, and print, and keep open to public inspection, tariffs showing all rates, fares, and charges for air transportation between points served by it, and between points served by it and points served by any other air carrier or foreign air carrier when through service and through rates shall have been established, and showing to the extent required by regulations of the Board, all classifications, rules, regulations, practices, and services in connection with such air transportation. Tariffs shall be filed, posted, and published in such form and manner, and shall contain such information, as the Board shall by regulation prescribe; and the Board is empowered to reject any tariff so filed which is not consistent with this section and such regulations. Any tariff so rejected shall be void. The rates, fares, and charges shown in any tariff shall be stated in terms of lawful money of the United States, but such tariffs may also state rates, fares, and charges in terms of currencies other than lawful money of the United States, and may, in the case of foreign air transportation, contain such information as may be required under the laws of any country in or to which an air carrier or foreign air carrier is authorized to operate.

Observance of Tariffs; Rebating Prohibited

(b) No air carrier or foreign air carrier shall charge or demand or collect or receive a greater or less or different compensation for air transportation, or for any service in connection therewith, than the rates, fares, and charges specified in its currently effective tariffs; and no air carrier or foreign air carrier shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities, with respect to matters required by the Board to be specified in such tariffs, except those specified therein. Nothing in this Act shall prohibit such air carriers or foreign air carriers, under such terms and conditions as the Board may prescribe, from issuing or interchanging tickets or passes for free or reduced-rate transportation to their directors, officers, and employees and their immediate families; witnesses and attorneys attending any legal investigation in which any such air carrier is interested; persons injured in aircraft accidents and physicians and nurses attending such persons; and any person or property

with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; and, in the case of overseas or foreign transportation, to such other persons and under such other circumstances as the Board may by regulations prescribe. Any air carrier or foreign air carrier, under such terms and conditions as the Board may prescribe, may grant reduced-rate transportation to ministers of religion on a space-available basis.

Notice of Tariff Change

(c) No change shall be made in any rate, fare, or charge, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, specified in any effective tariff of any air carrier or foreign air carrier, except after thirty days' notice of the proposed change filed, posted, and published in accordance with subsection (a) of this section. Such notice shall plainly state the change proposed to be made and the time such change will take effect. The Board may in the public interest, by regulation or otherwise, allow such change upon notice less than that herein specified, or modify the requirements of this section with respect to filing and posting of tariffs, either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

Filing of Divisions of Rates and Charges Required

(d) Every air carrier or foreign air carrier shall keep currently on file with the Board, if the Board so requires, the established divisions of all joint rates, fares, and charges for air transportation in which such air carrier or foreign air carrier participates.

RATES FOR CARRIAGE OF PERSONS AND PROPERTY

Carrier's Duty to Provide Service, Rates, and Divisions

SEC. 404. [72 Stat. 760, 49 U.S.C. 1374] (a) It shall be the duty of every air carrier to provide and furnish interstate and overseas air transportation, as authorized by its certificate, upon reasonable request therefor and to provide reasonable through service in such air transportation in connection with other air carriers; to provide safe and adequate service, equipment, and facilities in connection with such transportation; to establish, observe, and enforce just and reasonable individual and joint rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to such air transportation; and, in case of such joint rates, fares, and charges, to establish just, reasonable, and equitable divisions thereof as between air carriers participating therein which shall not unduly prefer or prejudice any of such participating air carriers.

Discrimination

(b) No air carrier or foreign air carrier shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, lo-

ality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

TRANSPORTATION OF MAIL

Postal Rules and Regulations

Sec. 405. [72 Stat. 760, 49 U.S.C. 1375] (a) The Postmaster General is authorized to make such rules and regulations, not inconsistent with the provisions of this Act, or any order, rule, or regulation made by the Board thereunder, as may be necessary for the safe and expeditious carriage of mail by aircraft.

Mail Schedules

(b) Each air carrier shall, from time to time, file with the Board and the Postmaster General a statement showing the points between which such air carrier is authorized to engage in air transportation, and all schedules, and all changes therein, of aircraft regularly operated by the carrier between such points, setting forth in respect of each such schedule the points served thereby and the time of arrival and departure at each such point. The Postmaster General may designate any such schedule for the transportation of mail between the points between which the air carrier is authorized by its certificate to transport mail, and may, by order, require the air carrier to establish additional schedules for the transportation of mail between such points. No change shall be made in any schedules designated or ordered to be established by the Postmaster General except upon ten days' notice thereof filed as herein provided. The Postmaster General may by order disapprove any such change or alter, amend, or modify any such schedule or change. No order of the Postmaster General under this subsection shall become effective until ten days after its issuance. Any person who would be aggrieved by any such order of the Postmaster General under this subsection may, before the expiration of such ten-day period, apply to the Board, under such regulations as it may prescribe, for a review of such order. The Board may review, and, if the public convenience and necessity so require, amend, revise, suspend, or cancel such order; and, pending such review and the determination thereof, may postpone the effective date of such order. The Board shall give preference to proceedings under this subsection over all proceedings pending before it. No air carrier shall transport mail in accordance with any schedule other than a schedule designated or ordered to be established under this subsection for the transportation of mail.

Maximum Mail Load

(c) The Board may fix the maximum mail load for any schedule or for any aircraft or any type of aircraft; but, in the event that mail in excess of the maximum load is tendered by the Postmaster General for transportation by any air carrier in accordance with any schedule designated or ordered to be established by the Postmaster General under subsection (b) of this section for the transportation of mail,

such air carrier shall, to the extent such air carrier is reasonably able as determined by the Board, furnish facilities sufficient to transport, and shall transport, such mail as nearly in accordance with such schedule as the Board shall determine to be possible.

Tender of Mail

(d) From and after the issuance of any certificate authorizing the transportation of mail by aircraft, the Postmaster General shall tender mail to the holder thereof, to the extent required by the Postal Service, for transportation between the points named in such certificate for the transportation of mail, and such mail shall be transported by the air carrier holding such certificate in accordance with such rules, regulations, and requirements as may be promulgated by the Postmaster General under this section.

Foreign Postal Arrangement

(e) (1) Nothing in this Act shall be deemed to abrogate or affect any arrangement made by the United States with the postal administration of any foreign country with respect to transportation of mail by aircraft, or to impair the authority of the Postmaster General to enter into any such arrangement with the postal administration of any foreign country.

(2) The Postmaster General may, in any case where service may be necessary by a person not a citizen of the United States who may not be obligated to transport the mail for a foreign country, make arrangements, without advertising, with such person for transporting mail by aircraft to or within any foreign country.

Transportation of Foreign Mail

(f) (1) Any air carrier holding a certificate to engage in foreign air transportation and transporting mails of foreign countries shall transport such mails subject to control and regulation by the United States. The Postmaster General shall from time to time fix the rates of compensation that shall be charged the respective foreign countries for the transportation of their mails by such air carriers, and such rates shall be put into effect by the Postmaster General in accordance with the provisions of the postal convention regulating the postal relations between the United States and the respective foreign countries, or as provided hereinafter in this subsection. In any case where the Postmaster General deems such action to be in the public interest, he may approve rates provided in arrangements between any such air carrier and any foreign country covering the transportation of mails of such country, under which mails of such country have been carried on scheduled operations prior to January 1, 1938, or in extensions or modifications of such arrangements, and may permit any such air carrier to enter into arrangements with any foreign country for the transportation of its mails at rates fixed by the Postmaster General in advance of the making of any such arrangement. The Postmaster General may authorize any such air carrier, under such limitations as the Postmaster General may pre-

scribe, to change the rates to be charged any foreign country for the transportation of its mails by such air carrier within that country or between that country and another foreign country.

(2) In any case where such air carrier has an arrangement with any foreign country for transporting its mails, made or approved in accordance with the provisions of paragraph (1) of this subsection, it shall collect its compensation from the foreign country under its arrangement, and in case of the absence of any arrangement between the air carrier and the foreign country consistent with this subsection, the collections made from the foreign country by the United States shall be for the account of such air carrier: *Provided*, That no such air carrier shall be entitled to receive compensation both from such foreign country and from the United States in respect of the transportation of the same mail or the same mails of foreign countries.

Evidence of Performance of Mail Service

(g) Air carriers transporting or handling United States mail shall submit, under signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence of the performance of mail service; and air carriers transporting or handling mails of foreign countries shall submit, under signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence of the amount of such mails transported or handled, and the compensation payable and received therefor.

Emergency Mail Service

(h) In the event of emergency caused by flood, fire, or other calamitous visitation, the Postmaster General is authorized to contract, without advertising, for the transportation by aircraft of any or all classes of mail to or from localities affected by such calamity, where available facilities of persons authorized to transport mail to or from such localities are inadequate to meet the requirements of the Postal Service during such emergency. Such contracts may be only for such periods as may be necessitated, for the maintenance of mail service, by the inadequacy of such other facilities. No operation pursuant to any such contract, for such period, shall be air transportation within the purview of this Act. Payment of compensation for service performed under such contracts shall be made, at rates provided in such contracts, from appropriations for the transportation of mail by the means normally used for transporting the mail transported under such contracts.

Experimental Airmail Service

(i) Nothing contained in this Act shall be construed to repeal in whole or in part the provisions of section 6 of the Act entitled "An Act to provide for experimental airmail service, to further develop safety, efficiency, economy, and for other purposes", approved April 15, 1938, as amended. The transportation of mail under contracts entered into under such section shall not, except for sections 401(k) and 416(b), be deemed to be "air transportation" as used in this Act, and the rates of compensation for such transportation of mail shall not be fixed under this Act.

Free Travel for Postal Employees

(j) Every air carrier carrying the mails shall carry on any plane that it operates and without charge therefor, the persons in charge of the mails when on duty, and such duly accredited agents and officers of the Post Office Department, and post office inspectors, while traveling on official business relating to the transportation of mail by aircraft, as the Board may by regulation prescribe, upon the exhibition of their credentials.

RATES FOR TRANSPORTATION OF MAIL

Authority to Fix Rates

SEC. 406. [72 Stat. 763, 49 U.S.C. 1376] (a) The Board is empowered and directed, upon its own initiative or upon petition of the Postmaster General or an air carrier, (1) to fix and determine from time to time, after notice and hearing, the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith (including the transportation of mail by an air carrier by other means than aircraft whenever such transportation is incidental to the transportation of mail by aircraft or is made necessary by conditions of emergency arising from aircraft operation), by each holder of a certificate authorizing the transportation of mail by aircraft, and to make such rates effective from such date as it shall determine to be proper; (2) to prescribe the method or methods, by aircraft-mile, pound-mile, weight, space, or any combination thereof, or otherwise, for ascertaining such rates of compensation for each air carrier or class of air carriers; and (3) to publish the same.

Ratemaking Elements

(b) In fixing and determining fair and reasonable rates of compensation under this section, the Board considering the conditions peculiar to transportation by aircraft and to the particular air carrier or class of air carriers, may fix different rates for different air carriers or classes of air carriers, and different classes of service. In determining the rate in each case, the Board shall take into consideration, among other factors, (1) the condition that such air carriers may hold and operate under certificates authorizing the carriage of mail only by providing necessary and adequate facilities and service for the transportation of mail; (2) such standards respecting the character and quality of service to be rendered by air carriers as may be prescribed by or pursuant to law; and (3) the need of each such air carrier for compensation for the transportation of mail sufficient to insure the performance of such service, and, together with all other revenue of the air carrier, to enable such air carrier under honest, economical, and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service, and the national defense.

Payment

(c) The Postmaster General shall make payments out of appropriations for the transportation of mail by aircraft of so much of the total compensation as is fixed and determined by the Board under this section without regard to clause (3) of subsection (b) of this section. The Board shall make payments of the remainder of the total compensation payable under this section out of appropriations made to the Board for that purpose.

Treatment of Proceeds of Disposition of Certain Property

(d) In determining the need of an air carrier for compensation for the transportation of mail, and such carrier's "other revenue" for the purpose of this section, the Board shall not take into account—

(1) gains derived from the sale or other disposition of flight equipment if (A) the carrier notifies the Board in writing that it has invested or intends to reinvest the gains (less applicable expenses and taxes) derived from such sale or other disposition in flight equipment, and (B) submits evidence in the manner prescribed by the Board that an amount equal to such gains (less applicable expenses and taxes) has been expended for purchase of flight equipment or has been deposited in a special reequipment fund, or

(2) losses sustained from the sale or other disposition of flight equipment.

Any amounts so deposited in a reequipment fund as above provided shall be used solely for investment in flight equipment either through payments on account of the purchase price or construction of flight equipment or in retirement of debt contracted for the purchase or construction of flight equipment, and unless so reinvested within such reasonable time as the Board may prescribe, the carrier shall not have the benefit of this paragraph. Amounts so deposited in the reequipment fund shall not be included as part of the carrier's used and useful investment for purposes of section 406 until expended as provided above: *Provided*, That the flight equipment in which said gains may be invested shall not include equipment delivered to the carrier prior to April 6, 1956: *Provided further*, That the provisions of this subsection shall be effective as to all capital gains or losses realized on and after April 6, 1956, with respect to the sale or other disposition of flight equipment whether or not the Board shall have entered a final order taking account thereof in determining all other revenue of the air carrier.

Statement of Postmaster General and Carrier

(e) Any petition for the fixing of fair and reasonable rates of compensation under this section shall include a statement of the rate the petitioner believes to be fair and reasonable. The Postmaster General shall introduce as part of the record in all proceedings under this section a comprehensive statement of all service to be required of the air carrier and such other information in his possession as may be deemed by the Board to be material to the inquiry.

Weighing of Mail

(f) The Postmaster General may weigh the mail transported by aircraft and make such computations for statistical and administrative purposes as may be required in the interest of the mail service. The Postmaster General is authorized to employ such clerical and other assistance as may be required in connection with proceedings under this Act. If the Board shall determine that it is necessary or advisable, in order to carry out the provisions of this Act, to have additional and more frequent weighing of the mails, the Postmaster General, upon request of the Board shall provide therefor in like manner, but such weighing need not be for continuous periods of more than thirty days.

Availability of Appropriations

(g) Except as otherwise provided in section 405(h), the unexpended balances of all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under the Air Mail Act of 1934, as amended, and the unexpended balances of all appropriations available for the transportation of mail by aircraft in Alaska, shall be available, in addition to the purposes stated in such appropriations, for the payment of compensation by the Postmaster General, as provided in this Act, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the continental United States or between points in Hawaii or in Alaska or between points in the continental United States and points in Canada within one hundred and fifty miles of the international boundary line. Except as otherwise provided in section 405(h), the unexpended balances of all appropriations for the transportation of mail by aircraft pursuant to contracts entered into under the Act of March 8, 1928, as amended, shall be available, in addition to the purposes stated in such appropriations, for payment to be made by the Postmaster General, as provided by this Act, in respect of the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between points in the United States and points outside thereof, or between points in the continental United States and Territories or possessions of the United States, or between Territories or possessions of the United States.

Payments to Foreign Air Carriers

(h) In any case where air transportation is performed between the United States and any foreign country, both by aircraft owned or operated by one or more air carriers holding a certificate under this title and by aircraft owned or operated by one or more foreign air carriers, the Postmaster General shall not pay to or for the account of any such foreign air carrier a rate of compensation for transporting mail by aircraft between the United States and such foreign country, which, in his opinion, will result (over such reasonable period as the Postmaster General may determine, taking account of exchange fluctuations and other factors) in such foreign air carrier receiving a higher rate of compensation for transporting such mail than such

foreign country pays to air carriers for transporting its mail by aircraft between such foreign country and the United States, or receiving a higher rate of compensation for transporting such mail than a rate determined by the Postmaster General to be comparable to the rate such foreign country pays to air carriers for transporting its mail by aircraft between such foreign country and intermediate country on the route of such air carrier between such foreign country and the United States.

ACCOUNTS, RECORDS, AND REPORTS

Filing of Reports

SEC. 407. [72 Stat. 766, 49 U.S.C. 1377] (a) The Board is empowered to require annual, monthly, periodical, and special reports from any air carrier; to prescribe the manner and form in which such reports shall be made; and to require from any air carrier specific answers to all questions upon which the Board may deem information to be necessary. Such reports shall be under oath whenever the Board so requires. The Board may also require any air carrier to file with it a true copy of each or any contract, agreement, understanding, or arrangement, between such air carrier and any other carrier or person, in relation to any traffic affected by the provisions of this Act.

Disclosure of Stock Ownership

(b) Each air carrier shall submit annually, and at such other times as the Board shall require, a list showing the names of each of its stockholders or members holding more than 5 per centum of the entire capital stock or capital, as the case may be, of such air carrier, together with the name of any person for whose account, if other than the holder, such stock is held; and a report setting forth a description of the shares of stock, or other interest, held by such air carrier, or for its account, in persons other than itself.

Disclosure of Stock Ownership by Officer or Director

(c) Each officer and director of an air carrier shall annually and at such other times as the Board shall require transmit to the Board a report describing the shares of stock or other interests held by him in any air carrier, any person engaged in any phase of aeronautics, or any common carrier, and in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, air carriers, other persons engaged in any phase of aeronautics, or common carriers.

Form of Accounts

(d) The Board shall prescribe the forms of any and all accounts, records, and memoranda to be kept by air carriers, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and the length of time such accounts, records, and memoranda shall be preserved; and it shall be unlawful for air carriers to keep any accounts, records, or memoranda other than those prescribed or approved by the Board: *Provided*, That

any air carrier may keep additional accounts, records, or memoranda if they do not impair the integrity of the accounts, records, or memoranda prescribed or approved by the Board and do not constitute an undue financial burden on such air carrier.

Inspection of Accounts and Property

(e) The Board shall at all times have access to all lands, buildings, and equipment of any carrier and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers; and it may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda. The provisions of this section shall apply, to the extent found by the Board to be reasonably necessary for the administration of this Act, to persons having control over any air carrier, or affiliated with any air carrier within the meaning of section 5(8) of the Interstate Commerce Act, as amended.³

CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL

Acts Prohibited

SEC. 408. [72 Stat. 767, 49 U.S.C. 1378] (a) It shall be unlawful unless approved by order of the Board as provided in this section—

(1) For two or more air carriers, or for any air carrier and any other common carrier or any person engaged in any other phase of aeronautics, to consolidate or merge their properties, or any part thereof, into one person for the ownership, management, or operation of the properties theretofore in separate ownerships;

(2) For any air carrier, any person controlling an air carrier, any other common carrier, or any person engaged in any other phase of aeronautics, to purchase, lease, or contract to operate the properties, or any substantial part thereof, of any air carrier;

(3) For any air carrier or person controlling an air carrier to purchase, lease, or contract to operate the properties, or any substantial part thereof, of any person engaged in any phase of aeronautics otherwise than as an air carrier;

(4) For any foreign air carrier or person controlling a foreign air carrier to acquire control, in any manner whatsoever, of any

³[49 U.S.C. 5] Section 5(8) of the Interstate Commerce Act, as amended, relates to the jurisdiction of the district courts of the United States. Section 5(6) of the Interstate Commerce Act, as amended, is in substance the same as sec. 5(8) of the Interstate Commerce Act before it was restated by the Transportation Act of 1940, 54 Stat. 905, approved September 18, 1940, and is presumably the section to which reference was intended to be made. Section 5(6) provides: "For the purposes of this section a person shall be held to be affiliated with a carrier if, by reason of the relationship of such person to such carrier (whether by reason of the method of, or circumstances surrounding organization or operation, or whether established through common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or any other direct or indirect means), it is reasonable to believe that the affairs of any carrier of which control may be acquired by such person will be managed in the interest of such other carrier." Section 1(3)(b) provides: "For the purposes of section(s) 5, . . . , where reference is made to control (in referring to a relationship between any person or persons and another person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control."

citizen of the United States engaged in any phase of aeronautics;

(5) For any air carrier or person controlling an air carrier, any other common carrier, or any person engaged in any other phase of aeronautics, to acquire control of any air carrier in any manner whatsoever;

(6) For any air carrier or person controlling an air carrier to acquire control, in any manner whatsoever, of any person engaged in any phase of aeronautics otherwise than as an air carrier; or

(7) For any person to continue to maintain any relationship established in violation of any of the foregoing subdivisions of this subsection.

Power of Board

(b) Any person seeking approval of a consolidation, merger, purchase, lease, operating contract, or acquisition of control, specified in subsection (a) of this section, shall present an application to the Board, and thereupon the Board shall notify the persons involved in the consolidation, merger, purchase, lease, operating contract, or acquisition of control, and other persons known to have a substantial interest in the proceeding, of the time and place of a public hearing. Unless, after such hearing, the Board finds that the consolidation, merger, purchase, lease, operating contract, or acquisition of control will not be consistent with the public interest or that the conditions of this section will not be fulfilled, it shall by order approve such consolidation, merger, purchase, lease, operating contract, or acquisition of control, upon such terms and conditions as it shall find to be just and reasonable and with such modifications as it may prescribe: *Provided*, That the Board shall not approve any consolidation, merger, purchase, lease, operating contract, or acquisition of control which would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the consolidation, merger, purchase, lease, operating contract, or acquisition of control: *Provided further*, That if the applicant is a carrier other than an air carrier, or a person controlled by a carrier other than an air carrier or affiliated therewith within the meaning of section 5(8) of the Interstate Commerce Act, as amended,⁴ such applicant shall for the purposes of this section be considered an air carrier and the Board shall not enter such an order of approval unless it finds that the transaction proposed will promote the public interest by enabling such carrier other than an air carrier to use aircraft to public advantage in its operation and will not restrain competition.

Interests in Ground Facilities

(c) The provisions of this section and section 409 shall not apply with respect to the acquisition or holding by any air carrier, or any officer or director thereof, of (1) any interest in any ticket office, landing area, hangar, or other ground facility reasonably incidental to the performance by such air carrier of any of its services, or (2) any stock or other interest or any office or directorship in any person whose principal business is the maintenance or operation of any such ticket office, landing area, hangar, or other ground facility.

⁴ See footnote 3, *ante*.

Jurisdiction of Accounts of Noncarriers

(d) Whenever, after the effective date of this section, a person, not an air carrier, is authorized, pursuant to this section, to acquire control of an air carrier, such person thereafter shall, to the extent found by the Board to be reasonably necessary for the administration of this Act, be subject, in the same manner as if such person were an air carrier, to the provisions of this Act relating to accounts, records, and reports, and the inspection of facilities and records, including the penalties applicable in the case of violations thereof.

Investigation of Violations

(e) The Board is empowered, upon complaint or upon its own initiative, to investigate and, after notice and hearing, to determine whether any person is violating any provision of subsection (a) of this section. If the Board finds after such hearing that such person is violating any provision of such subsection, it shall by order require such person to take such action, consistent with the provisions of this Act, as may be necessary, in the opinion of the Board, to prevent further violation of such provision.

PROHIBITED INTERESTS

Interlocking Relationships

SEC. 409. [72 Stat. 768, 49 U.S.C. 1379] (a) It shall be unlawful, unless such relationship shall have been approved by order of the Board upon due showing, in the form and manner prescribed by the Board, that the public interest will not be adversely affected thereby—

(1) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(2) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(3) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any other person who is a common carrier or is engaged in any phase of aeronautics.

(4) For any air carrier to have and retain an officer or director who is an officer, director, or member, or who as a stockholder holds a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(5) For any air carrier, knowingly and willfully, to have and retain an officer or director who has a representative or nominee who represents such officer or director as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

(6) For any person who is an officer or director of an air carrier to hold the position of officer, director, or member, or to be a stockholder holding a controlling interest, or to have a representative or nominee who represents such person as an officer, director, or member, or as a stockholder holding a controlling interest, in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, any other person engaged in any phase of aeronautics.

Profit From Transfer of Securities

(b) It shall be unlawful for any officer or director of any air carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof.

LOANS AND FINANCIAL AID

SEC. 410. [72 Stat. 769, 49 U.S.C. 1380] The Board is empowered to approve or disapprove, in whole or in part, any and all applications made after the effective date of this section for or in connection with any loan or other financial aid from the United States or any agency thereof to, or for the benefit of, any air carrier. No such loan or financial aid shall be made or given without such approval, and the terms and conditions upon which such loan or financial aid is provided shall be prescribed by the Board.

METHODS OF COMPETITION

SEC. 411. [72 Stat. 769, 49 U.S.C. 1381] The Board may, upon its own initiative or upon complaint by any air carrier, foreign air carrier, or ticket agent, if it considers that such action by it would be in the interest of the public, investigate and determine whether any air carrier, foreign air carrier, or ticket agent has been or is engaged in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. If the Board shall find, after notice and hearing, that such air carrier, foreign air carrier, or ticket agent is engaged in such unfair or deceptive practices or unfair methods of competition, it shall order such air carrier, foreign air carrier, or ticket agent to cease and desist from such practices or methods of competition.

POOLING AND OTHER AGREEMENTS

Filing of Agreements Required

SEC. 412. [72 Stat. 770, 49 U.S.C. 1382] (a) Every air carrier shall file with the Board a true copy, or, if oral, a true and complete mem-

orandum, of every contract or agreement (whether enforceable by provisions for liquidated damages, penalties, bonds, or otherwise) affecting air transportation and in force on the effective date of this section or hereafter entered into, or any modification or cancellation thereof, between such air carrier and any other air carrier, foreign air carrier, or other carrier for pooling or apportioning earnings, losses, traffic, service, or equipment, or relating to the establishment of transportation rates, fares, charges, or classifications, or for preserving and improving safety, economy, and efficiency of operation, or for controlling, regulating, preventing, or otherwise eliminating destructive, oppressive, or wasteful competition, or for regulating stops, schedules, and character of service, or for other cooperative working arrangements.

Approval by Board

(b) The Board shall by order disapprove any such contract or agreement, whether or not previously approved by it, that it finds to be adverse to the public interest, or in violation of this Act, and shall by order approve any such contract or agreement, or any modification or cancellation thereof, that it does not find to be adverse to the public interest, or in violation of this Act; except that the Board may not approve any contract or agreement between an air carrier not directly engaged in the operation of aircraft in air transportation and a common carrier subject to the Interstate Commerce Act, as amended, governing the compensation to be received by such common carrier for transportation services performed by it.

FORM OF CONTROL

SEC. 413. [72 Stat. 770, 49 U.S.C. 1383] For the purposes of this title, whenever reference is made to control, it is immaterial whether such control is direct or indirect.

LEGAL RESTRAINTS

SEC. 414. [72 Stat. 770, 49 U.S.C. 1384] Any person affected by any order made under sections 408, 409, or 412 of this Act shall be, and is hereby, relieved from the operations of the "antitrust laws", as designated in section 1 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, and of all other restraints or prohibitions made by, or imposed under, authority of law, insofar as may be necessary to enable such person to do anything authorized, approved, or required by such order.

INQUIRY INTO AIR CARRIER MANAGEMENT

SEC. 415. [72 Stat. 770, 49 U.S.C. 1385] For the purpose of exercising and performing its powers and duties under this Act, the Board is empowered to inquire into the management of the business of any air carrier and, to the extent reasonably necessary for any such inquiry, to obtain from such carrier, and from any person controlling or controlled by, or under common control with, such air carrier, full and complete reports and other information.

CLASSIFICATION AND EXEMPTION OF CARRIERS

Classification

SEC. 416. [72 Stat. 771, 49 U.S.C. 1386] (a) The Board may from time to time establish such just and reasonable classifications or groups of air carriers for the purposes of this title as the nature of the services performed by such air carriers shall require; and such just and reasonable rules and regulations, pursuant to and consistent with the provisions of this title, to be observed by each such class or group, as the Board finds necessary in the public interest.

Exemptions

(b) (1) The Board, from time to time and to the extent necessary, may (except as provided in paragraph (2) of this subsection) exempt from the requirements of this title or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, any air carrier or class of air carriers, if it finds that the enforcement of this title or such provision, or such rule, regulation, term, condition, or limitation is or would be an undue burden on such air carrier or class of air carriers by reason of the limited extent of, or unusual circumstances affecting, the operations of such air carrier or class of air carriers and is not in the public interest.

(2) The Board shall not exempt any air carrier from any provision of subsection (k) of section 401 of this title, except that (A) any air carrier not engaged in scheduled air transportation, and (B), to the extent that the operations of such air carrier are conducted during daylight hours, any air carrier engaged in scheduled air transportation, may be exempted from the provisions of paragraphs (1) and (2) of such subsection if the Board finds, after notice and hearing, that, by reason of the limited extent of, or unusual circumstances affecting, the operations of any such air carrier, the enforcement of such paragraphs is or would be such an undue burden on such air carrier as to obstruct its development and prevent it from beginning or continuing operations, and that the exemption of such air carrier from such paragraphs would not adversely affect the public interest: *Provided*, That nothing in this subsection shall be deemed to authorize the Board to exempt any air carrier from any requirement of this title, or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder which provides for maximum flying hours for pilots or copilots.

TITLE V—NATIONALITY AND OWNERSHIP OF
AIRCRAFT

REGISTRATION OF AIRCRAFT NATIONALITY

Registration Required

SEC. 501. [72 Stat. 771, 49 U.S.C. 1401] (a) It shall be unlawful for any person to operate or navigate any aircraft eligible for registration if such aircraft is not registered by its owner as provided in this section, or (except as provided in section 1108 of this Act) to operate

or navigate within the United States any aircraft not eligible for registration: *Provided*, That aircraft of the national-defense forces of the United States may be operated and navigated without being so registered if such aircraft are identified, by the agency having jurisdiction over them, in a manner satisfactory to the Administrator. The Administrator may, by regulation, permit the operation and navigation of aircraft without registration by the owner for such reasonable periods after transfer of ownership thereof as the Administrator may prescribe.

Eligibility for Registration

- (b) An aircraft shall be eligible for registration if, but only if—
- (1) It is owned by a citizen of the United States and it is not registered under the laws of any foreign country; or
 - (2) It is an aircraft of the Federal Government, or of a State, Territory, or possession of the United States, or the District of Columbia, or of a political subdivision thereof.

Issuance of Certificate

(c) Upon request of the owner of any aircraft eligible for registration, such aircraft shall be registered by the Administrator and the Administrator shall issue to the owner thereof a certificate of registration.

Applications

(d) Applications for such certificates shall be in such form, be filed in such manner, and contain such information as the Administrator may require.

Suspension or Revocation

(e) Any such certificate may be suspended or revoked by the Administrator for any cause which renders the aircraft ineligible for registration.

Effect of Registration

(f) Such certificate shall be conclusive evidence of nationality for international purposes, but not in any proceeding under the laws of the United States. Registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue.

REGISTRATION OF ENGINES, PROPELLERS, AND APPLIANCES

SEC. 502. [72 Stat. 772, 49 U.S.C. 1402] The Administrator may establish reasonable rules and regulations for registration and identification of aircraft engines, propellers, and appliances, in the interest of safety, and no aircraft engine, propeller, or appliance shall be used in violation of any such rule or regulation.

RECORDATION OF AIRCRAFT OWNERSHIP

Establishment of Recording System

SEC. 503. [72 Stat. 772, U.S.C. 1403] (a) The Administrator shall establish and maintain a system for the recording of each and all of the following:

(1) Any conveyance which affects the title to, or any interest in, any civil aircraft of the United States;

“(2) Any lease, and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated takeoff horsepower for each such engine or the equivalent of such horsepower, or any specifically identified aircraft propeller capable of absorbing seven hundred and fifty or more rated takeoff shaft horsepower, and also any assignment or amendment thereof or supplement thereto.”⁵

(3) Any lease, and any mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which lease or other instrument affects the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604(b) of this Act for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof; and also any assignment or amendment thereof or supplement thereto.

Recording of Releases

(b) The Administrator shall also record under the system provided for in subsection (a) of this section any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument recorded under said system.

Conveyances To Be Recorded

(c) No conveyance or instrument the recording of which is provided for by section 503(a) shall be valid in respect of such aircraft, aircraft engine or engines, propellers, appliances, or spare parts against any person other than the person by whom the conveyance or other instrument is made or given, his heir or devisee, or any person having actual notice thereof, until such conveyance or other instrument is filed for recordation in the office of the Administrator: *Provided*, That previous recording of any conveyance or instrument with the Administrator of the Civil Aeronautics Administration under the provisions of the Civil Aeronautics Act of 1938 shall have the same force and effect as though recorded as provided herein; and conveyances, the recording of which is provided for by section 503(a) (1) made on or before August 21, 1938, and instruments, the recording of which is provided for by sections 503(a) (2) and 503(a) (3) made on or before June 19, 1948, shall not be subject to the provisions of this subsection.

Effect of Recording

(d) Each conveyance or other instrument recorded by means of or under the system provided for in subsection (a) or (b) of this section

⁵Amended by Public Law 86-81, 86th Cong. S. 1368, July 8, 1959, Section 1 (72 Stat. 772, 49 U.S.C. 1403).

shall from the time of its filing for recordation be valid as to all persons without further or other recordation, except that an instrument recorded pursuant to section 503(a)(3) shall be effective only with respect to those of such items which may from time to time be situated at the designated location or locations and only while so situated: "Provided, That an instrument recorded under section 503(a)(2) shall not be affected as to the engine or engines, or propeller or propellers, specifically identified therein, by any instrument theretofore or thereafter recorded pursuant to section 503(a)(3)."⁶

Form of Conveyances

(e) No conveyance or other instrument shall be recorded unless it shall have been acknowledged before a notary public or other officer authorized by the law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

Index of Conveyances

(f) The Administrator shall keep a record of the time and date of the filing of conveyances and other instruments with him and of the time and date of recordation thereof. He shall record conveyances and other instruments filed with him in the order of their reception, in files to be kept for that purpose, and indexed according to—

"(1) the identifying description of the aircraft, aircraft engine, or propeller, or in the case of an instrument referred to in section 503(a)(3), the location or locations specified therein; and".⁷

(2) the names of the parties to the conveyance or other instrument.

Regulations

(g) The Administrator is authorized to provide by regulation for the endorsement upon certificates of registration, or aircraft certificates, of information with respect to the ownership of the aircraft for which each certificate is issued, the recording of discharges and satisfactions of recorded instruments, and other transactions affecting title to or interest in aircraft, aircraft engines, propellers, appliances, or parts, and for such other records, proceedings, and details as may be necessary to facilitate the determination of the rights of parties dealing with civil aircraft of the United States, aircraft engines, propellers, appliances, or parts.

Previously Unrecorded Ownership

(h) The person applying for the issuance or renewal of an airworthiness certificate for an aircraft with respect to which there has been no recordation of ownership as provided in this section shall present with his application such information with respect to the ownership of the aircraft as the Administrator shall deem necessary to show the persons who are holders of property interests in such aircraft and the nature and extent of such interests.

LIMITATION OF SECURITY OWNERS LIABILITY

SEC. 504. [72 Stat. 774, 49 U.S.C. 1404] No person having a security interest in, or security title to, any civil aircraft engine, or propeller

⁶Amended by Public Law 86-81, S. 1368, July 8, 1959, Section 3 (73 Stat. 181).

⁷Amended by *id.*, Section 4.

under a contract of conditional sale, equipment trust, chattel or corporate mortgage, or other instrument of similar nature, and no lessor of any such aircraft, aircraft engine, or propeller under a bona fide lease of thirty days or more, shall be liable by reason of such interest or title, or by reason of his interest as lessor or owner of the aircraft, aircraft engine, or propeller so leased, for any injury to or death of persons, or damage to or loss of property, on the surface of the earth (whether on land or water) caused by such aircraft, aircraft engine, or propeller, or by the ascent, descent, or flight of such aircraft, aircraft engine, or propeller or by the dropping or falling of an object therefrom, unless such aircraft, aircraft engine, or propeller is in the actual possession or control of such person at the time of such injury, death, damage, or loss."⁸

DEALERS' AIRCRAFT REGISTRATION CERTIFICATES

SEC. 505. [72 Stat. 774, 49 U.S.C. 1405] The Administrator may, by such reasonable regulations as he may find to be in the public interest, provide for the issuance, and for the suspension or revocation, of dealers' aircraft registration certificates, and for their use in connection with aircraft eligible for registration under this Act by persons engaged in the business of manufacturing, distributing, or selling aircraft. Aircraft owned by holders of dealers' aircraft registration certificates shall be deemed registered under this Act to the extent that the Administrator may, by regulation, provide. It shall be unlawful for any person to violate any regulation, or any term, condition, or limitation contained in any certificate, issued under this section.

TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS

GENERAL SAFETY POWERS AND DUTIES

Minimum Standards; Rules and Regulations

SEC. 601. [72 Stat. 775, 49 U.S.C. 1421] (a) The Administrator is empowered and it shall be his duty to promote safety of flight of civil aircraft in air commerce by prescribing and revising from time to time:

(1) Such minimum standards governing the design, materials, workmanship, construction, and performance of aircraft, aircraft engines, and propellers as may be required in the interest of safety;

(2) Such minimum standards governing appliances as may be required in the interest of safety;

(3) Reasonable rules and regulations and minimum standards governing, in the interest of safety, (A) the inspection, servicing, and overhaul of aircraft, aircraft engines, propellers, and appliances; (B) the equipment and facilities for such inspection, servicing, and overhaul; and (C) in the discretion of the Administrator, the periods for, and the manner in, which such inspection, servicing, and overhaul shall be made, including provision for examinations and reports by properly qualified private persons whose examinations or reports the Administrator may accept in lieu of those made by its officers and employees;

(4) Reasonable rules and regulations governing the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel

⁸Amended by *id.*, section 2.

and oil, required in the interest of safety, including the reserve supply of aircraft fuel and oil which shall be carried in flight;

(5) Reasonable rules and regulations governing, in the interest of safety, the maximum hours or periods of service of airmen, and other employees, of air carriers; and

(6) Such reasonable rules and regulations, or minimum standards, governing other practices, methods, and procedure, as the Administrator may find necessary to provide adequately for national security and safety in air commerce.

Needs of Service To Be Considered; Classification of Standards, etc.

(b) In prescribing standards, rules, and regulations, and in issuing certificates under this title, the Administrator shall give full consideration to the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest and to any differences between air transportation and other air commerce; and he shall make classifications of such standards, rules, regulations, and certificates appropriate to the differences between air transportation and other air commerce. The Administrator may authorize any aircraft, aircraft engine, propeller, or appliance, for which an aircraft certificate authorizing use thereof in air transportation has been issued, to be used in other air commerce without the issuance of a further certificate. The Administrator shall exercise and perform his powers and duties under this Act in such manner as will best tend to reduce or eliminate the possibility of, or recurrence of, accidents in air transportation, but shall not deem himself required to give preference to either air transportation or other air commerce in the administration and enforcement of this title.

Exemptions

(c) The Administrator from time to time may grant exemptions from the requirements of any rule or regulation prescribed under this title if he finds that such action would be in the public interest.

AIRMAN CERTIFICATES

Power to Issue Certificate

SEC. 602. [72 Stat. 776, 49 U.S.C. 1422] (a) The Administrator is empowered to issue airman certificates specifying the capacity in which the holders thereof are authorized to serve as airmen in connection with aircraft.

Issuance of Certificate

(b) Any person may file with the Administrator an application for an airman certificate. If the Administrator finds, after investigation, that such person possesses proper qualifications for, and is physically able to perform the duties pertaining to, the position for which the airman certificate is sought, he shall issue such certificate, containing such terms, conditions, and limitations as to duration thereof, periodic or special examinations, tests of physical fitness, and other matters as the Administrator may determine to be necessary to assure safety in air commerce. Except in the case of persons whose certificates are, at the time of denial, under order of suspension or whose certificates

have been revoked within one year of the date of such denial, any person whose application for the issuance or renewal of an airman certificate is denied may file with the Board a petition for review of the Administrator's action. The Board shall thereupon assign such petition for hearing at a place convenient to the applicant's place of residence or employment. In the conduct of such hearing and in determining whether the airman meets the pertinent rules, regulations, or standards, the Board shall not be bound by findings of fact of the Administrator. At the conclusion of such hearing, the Board shall issue its decision as to whether the airman meets the pertinent rules, regulations, and standards and the Administrator shall be bound by such decision: *Provided*, That the Administrator may, in his discretion, prohibit or restrict the issuance of airman certificates to aliens, or may make such issuance dependent on the terms of reciprocal agreements entered into with foreign governments.

Form and Recording of Certificate

(c) Each certificate shall be numbered and recorded by the Administrator; shall state the name and address of, and contain a description of, the person to whom the certificate is issued; and shall be entitled with the designation of the class covered thereby. Certificates issued to all pilots serving in scheduled air transportation shall be designated "airline transport pilot" of the proper class.

AIRCRAFT CERTIFICATES

Type Certificates

SEC. 603. [72 Stat. 776, 49 U.S.C. 1423] (a) (1) The Administrator is empowered to issue type certificates for aircraft, aircraft engines, and propellers; to specify in regulations the appliances for which the issuance of type certificates is reasonably required in the interest of safety; and to issue such certificates for appliances so specified.

(2) Any interested person may file with the Administrator an application for a type certificate for an aircraft, aircraft engine, propeller, or appliance specified in regulations under paragraph (1) of this subsection. Upon receipt of an application, the Administrator shall make an investigation thereof and may hold hearings thereon. The Administrator shall make, or require the applicant to make, such tests during manufacture and upon completion as the Administrator deems reasonably necessary in the interest of safety, including flight tests and tests of raw materials or any part or appurtenance of such aircraft, aircraft engine, propeller, or appliance. If the Administrator finds that such aircraft, aircraft engine, propeller, or appliance is of proper design, material, specification, construction, and performance for safe operation, and meets the minimum standards, rules, and regulations prescribed by the Administrator, he shall issue a type certificate therefor. The Administrator may prescribe in any such certificate the duration thereof and such other terms, conditions, and limitations as are required in the interest of safety. The Administrator may record upon any certificate issued for aircraft, aircraft engines, or propellers, a numerical determination of all of the essential factors relative to the performance of the aircraft, aircraft engine, or propeller for which the certificate is issued.

Production Certificate

(b) Upon application, and if it satisfactorily appears to the Administrator that duplicates of any aircraft, aircraft engine, propeller, or appliance for which a type certificate has been issued will conform to such certificate, the Administrator shall issue a production certificate authorizing the production of duplicates of such aircraft, aircraft engines, propellers, or appliances. The Administrator shall make such inspection and may require such tests of any aircraft, aircraft engine, propeller, or appliance manufactured under a production certificate as may be necessary to assure manufacture of each unit in conformity with the type certificate or any amendment or modification thereof. The Administrator may prescribe in any such production certificate the duration thereof and such other terms, conditions, and limitations as are required in the interest of safety.

Airworthiness Certificate

(c) The registered owner of any aircraft may file with the Administrator an application for an airworthiness certificate for such aircraft. If the Administrator finds that the aircraft conforms to the type certificate therefor, and, after inspection, that the aircraft is in condition for safe operation, he shall issue an airworthiness certificate. The Administrator may prescribe in such certificate the duration of such certificate, the type of service for which the aircraft may be used, and such other terms, conditions, and limitations as are required in the interest of safety. Each such certificate shall be registered by the Administrator and shall set forth such information as the Administrator may deem advisable. The certificate number, or such other individual designation as may be required by the Administrator, shall be displayed upon each aircraft in accordance with regulations prescribed by the Administrator.

AIR CARRIER OPERATING CERTIFICATES

Power to Issue

SEC. 604. [72 Stat. 778, 49 U.S.C. 1424] (a) The Administrator is empowered to issue air carrier operating certificates and to establish minimum safety standards for the operation of the air carrier to whom any such certificate is issued.

Issuance

(b) Any person desiring to operate as an air carrier may file with the Administrator an application for an air carrier operating certificate. If the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, he shall issue an air carrier operating certificate to such person. Each air carrier operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air

transportation, and shall specify the points to and from which, and the Federal airways over which, such person is authorized to operate as an air carrier under an air carrier operating certificate.

MAINTENANCE OF EQUIPMENT IN AIR TRANSPORTATION

Duty of Carriers and Airmen

SEC. 605. [72 Stat. 778, 49 U.S.C. 1425] (a) It shall be the duty of each air carrier to make, or cause to be made, such inspection, maintenance, overhaul, and repair of all equipment used in air transportation as may be required by this Act, or the orders, rules, and regulations of the Administrator issued thereunder. And it shall be the duty of every person engaged in operating, inspecting, maintaining, or overhauling equipment to observe and comply with the requirements of this Act relating thereto, and the orders, rules, and regulations issued thereunder.

Inspection

(b) The Administrator shall employ inspectors who shall be charged with the duty (1) of making such inspections of aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture, and while used by an air carrier in air transportation, as may be necessary to enable the Administrator to determine that such aircraft, aircraft engines, propellers, and appliances are in safe condition and are properly maintained for operation in air transportation; and (2) of advising and cooperating with each air carrier in the inspection and maintenance thereof by the air carrier. Whenever any inspector shall, in the performance of his duty, find that any aircraft, aircraft engine, propeller, or appliance, used or intended to be used by any air carrier in air transportation, is not in condition for safe operation, he shall so notify the carrier, in such form and manner as the Administrator may prescribe; and, for a period of five days thereafter, such aircraft, aircraft engine, propeller, or appliance shall not be used in air transportation, or in such manner as to endanger air transportation, unless found by the Administrator or his inspector to be in condition for safe operation.

AIR NAVIGATION FACILITY RATING

SEC. 606. [72 Stat. 779, 49 U.S.C. 1426] The Administrator is empowered to inspect, classify, and rate any air navigation facility available for the use of civil aircraft, as to its suitability for such use. The Administrator is empowered to issue a certificate for any such air navigation facility.

AIR AGENCY RATING

SEC. 607. [72 Stat. 779, 49 U.S.C. 1427] The Administrator is empowered to provide for the examination and rating of (1) civilian schools giving instruction in flying or in the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy of the course of instruction, the suitability and airworthiness of the equipment, and the competency of the in-

structors; (2) repair stations or shops for the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, or appliances, as to the adequacy and suitability of the equipment, facilities, and materials for, and methods of, repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, and the competency of those engaged in the work or giving any instruction therein; and (3) such other air agencies as may, in his opinion, be necessary in the interest of the public. The Administrator is empowered to issue certificates for such schools, repair stations, and other agencies.

FORM OF APPLICATIONS

SEC. 608. [72 Stat. 779, 49 U.S.C. 1428] Applications for certificates under this title shall be in such form, contain such information, and be filed and served in such manner as the Administrator may prescribe, and shall be under oath whenever the Administrator so requires.

AMENDMENT, SUSPENSION, AND REVOCATION OF CERTIFICATES

SEC. 609. [72 Stat. 779, 49 U.S.C. 1429] The Administrator may, from time to time, reinspect any civil aircraft, aircraft engine, propeller, appliance, air navigation facility, or air agency, or may reexamine any civil airman. If, as a result of any such reinspection or reexamination, or if, as a result of any other investigation made by the Administrator, he determines that safety in air commerce or air transportation and the public interest requires, the Administrator may issue an order amended, modifying, suspending, or revoking, in whole or in part, any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate. Prior to amending, modifying, suspending, or revoking any of the foregoing certificates, the Administrator shall advise the holder thereof as to any charges or other reasons relied upon by the Administrator for his proposed action and, except in cases of emergency, shall provide the holder of such a certificate an opportunity to answer any charges and be heard as to why such certificate should not be amended, modified, suspended, or revoked. Any person whose certificate is affected by such an order of the Administrator under this section may appeal the Administrator's order to the Board and the Board may, after notice and hearing, amend, modify, or reverse the Administrator's order if it finds that safety in air commerce or air transportation and the public interest do not require affirmation of the Administrator's order. In the conduct of its hearings the Board shall not be bound by findings of fact of the Administrator. The filing of an appeal with the Board shall stay the effectiveness of the Administrator's order unless the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the immediate effectiveness of his order, in which event the order shall remain effective and the Board shall finally dispose of the appeal within sixty days after being so advised by the Administrator. The person substantially affected by the Board's order may obtain judicial review of said order under the provisions of section 1006, and the Administrator shall be made a party to such proceedings.

PROHIBITIONS

Violations of Title

SEC. 610. [72 Stat. 780, 49 U.S.C. 1430] (a) It shall be unlawful—

(1) For any person to operate in air commerce any civil aircraft for which there is not currently in effect an airworthiness certificate, or in violation of the terms of any such certificate;

(2) For any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use, in air commerce without an airman certificate authorizing him to serve in such capacity, or in violation of any term, condition, or limitation thereof, or in violation of any order, rule, or regulation issued under this title;

(3) For any person to employ for service in connection with any civil aircraft used in air commerce an airman who does not have an airman certificate authorizing him to serve in the capacity for which he is employed;

(4) For any person to operate as an air carrier without an air carrier operating certificate, or in violation of the terms of any such certificate;

(5) For any person to operate aircraft in air commerce in violation of any other rule, regulation, or certificate of the Administrator under this title; and

(6) For any person to operate a seaplane or other aircraft of United States registry upon the high seas in contravention of the regulations proclaimed by the President pursuant to section 1 of the Act entitled "An Act to authorize the President to proclaim regulations for preventing collisions at sea", approved October 11, 1951 (Public Law 172, Eighty-second Congress; 65 Stat. 406); and

(7) For any person holding an air agency or production certificate to violate any term, condition, or limitation thereof, or to violate any order, rule, or regulation under this title relating to the holder of such certificate.

Exemption of Foreign Aircraft and Airmen

(b) Foreign aircraft and airmen serving in connection therewith may, except with respect to the observance by such airmen of the air traffic rules, be exempted from the provisions of subsection (a) of this section, to the extent, and upon such terms and conditions, as may be prescribed by the Administrator as being in the interest of the public.

TITLE VII—AIRCRAFT ACCIDENT INVESTIGATION

ACCIDENTS INVOLVING CIVIL AIRCRAFT

General Duties

SEC. 701. [72 Stat. 781, 49 U.S.C. 1441] (a) It shall be the duty of the Board to—

(1) Make rules and regulations governing notification and report of accidents involving civil aircraft;

(2) Investigate such accidents and report the facts, conditions, and circumstances relating to each accident and the probable cause thereof;

(3) Make such recommendations to the Administrator as, in its opinion, will tend to prevent similar accidents in the future;

(4) Make such reports public in such form and manner as may be deemed by it to be in the public interest; and

(5) Ascertain what will best tend to reduce or eliminate the possibility of, or recurrence of, accidents by conducting special studies and investigations on matters pertaining to safety in air navigation and the prevention of accidents.

Temporary Personnel

(b) The Board may, without regard to the civil-service laws, engage, for temporary service in the investigation of any accident involving aircraft, persons other than officers or employees of the United States and may fix their compensation without regard to the Classification Act of 1949, as amended; and may, with consent of the head of the executive department or independent establishment under whose jurisdiction the officer or employee is serving, secure for such service any officer or employee of the United States.

Conduct of Investigations

(c) In conducting any hearing or investigation, any member of the Board or any officer or employee of the Board or any person engaged or secured under subsection (b) shall have the same powers as the Board has with respect to hearings or investigations conducted by it.

Aircraft

(d) Any civil aircraft, aircraft engine, propeller, or appliance affected by, or involved in, an accident in air commerce, shall be preserved in accordance with, and shall not be moved except in accordance with, regulations prescribed by the Board.

Use of Records and Reports as Evidence

(e) No part of any report or reports of the Board relating to any accident or the investigation thereof, shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.

Use of Agency in Accident Investigations

(f) Upon the request of the Board, the Administrator is authorized to make investigations with regard to aircraft accidents and to report to the Board the facts, conditions, and circumstances thereof, and the Board is authorized to utilize such reports in making its determinations of probable cause under this title.

Participation by Agency

(g) In order to assure the proper discharge by the Administrator of his duties and responsibilities, the Board shall provide for the

appropriate participation of the Administrator and his representatives in any investigations conducted by the Board under this title: *Provided*, That the Administrator or his representatives shall not participate in the determination of probable cause by the Board under this title.

ACCIDENTS INVOLVING MILITARY AIRCRAFT

SEC. 702. [72 Stat. 782, 49 U.S.C. 1442] (a) In the case of accidents involving both civil and military aircraft, the Board shall provide for participation in the investigation by appropriate military authorities.

(b) In the case of accidents involving solely military aircraft and in which a function of the Administrator is or may be involved, the military authorities shall provide for participation in the investigation by the Administrator.

(c) With respect to other accidents involving solely military aircraft, the military authorities shall provide the Administrator and the Board with any information with respect thereto which, in the judgment of the military authorities, would contribute to the promotion of air safety.

SPECIAL BOARDS OF INQUIRY

SEC. 703. [72 Stat. 782, 49 U.S.C. 1443] (a) In any accident which involves substantial questions of public safety in air transportation the Board may establish a Special Board of Inquiry consisting of three members; one member of the Civil Aeronautics Board who shall act as Chairman of the Special Board of Inquiry; and two members representing the public who shall be appointed by the President upon notification of the creation of such Special Board of Inquiry by the Civil Aeronautics Board.

(b) Such public members of the Special Board of Inquiry shall be duly qualified by training and experience to participate in such inquiry and shall have no pecuniary interest in any aviation enterprise involved in the accident to be investigated.

(c) The Special Board of Inquiry when convened to investigate an accident certified to it by the Civil Aeronautics Board shall have all authority of the Civil Aeronautics Board as described in this title.

TITLE VIII—OTHER ADMINISTRATIVE AGENCIES

THE PRESIDENT OF THE UNITED STATES

SEC. 801. [72 Stat. 782, 49 U.S.C. 1461] The issuance, denial, transfer, amendment, cancellation, suspension, or revocation of, and the terms, conditions, and limitations contained in, any certificate authorizing an air carrier to engage in overseas or foreign air transportation, or air transportation between places in the same Territory or possession, or any permit issuable to any foreign air carrier under section 402, shall be subject to the approval of the President. Copies of all applications in respect of such certificates and permits shall be transmitted to the President by the Board before hearing thereon, and all decisions thereon by the Board shall be submitted to the President before publication thereof.

THE DEPARTMENT OF STATE

SEC. 802. [72 Stat. 783, 49 U.S.C. 1462] The Secretary of State shall advise the Administrator, the Board, and the Secretary of Commerce, and consult with the Administrator, Board, or Secretary, as appropriate, concerning the negotiations of any agreement with foreign governments for the establishment or development of air navigation, including air routes and services.

WEATHER BUREAU

SEC. 803. [72 Stat. 783, 49 U.S.C. 1463] In order to promote safety and efficiency in air navigation to the highest possible degree, the Chief of the Weather Bureau, under the direction of the Secretary of Commerce, shall, in addition to any other functions or duties pertaining to weather information for other purposes, (1) make such observations, measurements, investigations, and studies of atmospheric phenomena, and establish such meteorological offices and stations, as are necessary or best suited for ascertaining, in advance, information concerning probable weather conditions; (2) furnish such reports, forecasts, warnings, and advices to the Administrator, and to such persons engaged in civil aeronautics as may be designated by the Administrator, and to such other persons as the Chief of the Weather Bureau may determine, and such reports shall be made in such manner and with such frequency as will best result in safety in and in facilitating air navigation; (3) cooperate with persons engaged in air commerce, or employees thereof, in meteorological service, establish and maintain reciprocal arrangements under which this provision is to be carried out and collect and disseminate weather reports available from aircraft in flight; (4) establish and coordinate the international exchanges of meteorological information required for the safety and efficiency of air navigation; (5) participate in the development of an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries in cooperation with other governmental agencies of the United States and the meteorological services of foreign countries and with persons engaged in air commerce; (6) coordinate meteorological requirements in the United States in order to maintain standard observations, promote efficient use of facilities and avoid duplication of services unless such duplication tends to promote the safety and efficiency of air navigation; and (7) promote and develop meteorological science and foster and support research projects in meteorology through the utilization of private and governmental research facilities and provide for the publication of the results of such research projects unless such publications would be contrary to the public interest.

TITLE IX—PENALTIES

CIVIL PENALTIES

Safety and Postal Offenses

SEC. 901. [72 Stat. 783, 49 U.S.C. 1471] (a) (1) Any person who violates (A) any provision of titles III, V, VI, VII, or XII of this:

Act, or any rule, regulation, or order issued thereunder, or (B) any rule or regulation issued by the Postmaster General under this Act, shall be subject to a civil penalty of not to exceed \$1,000 for each such violation: *Provided*, That this subsection shall not apply to members of the Armed Forces of the United States, or those civilian employees of the Department of Defense who are subject to the provisions of the Uniform Code of Military Justice, while engaged in the performance of their official duties; and the appropriate military authorities shall be responsible for taking any necessary disciplinary action with respect thereto and for making to the Administrator or Board, as appropriate, a timely report of any such action taken.

(2) Any such civil penalty may be compromised by the Administrator in the case of violations of titles III, V, VI, or XII, or any rule, regulation, or order issued thereunder, and by the Board in the case of violations of title VII, or any rule, regulation, or order issued thereunder, or the Postmaster General in the case of regulations issued by him. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

Liens

(b) In case an aircraft is involved in such violation and the violation is by the owner or person in command of the aircraft, such aircraft shall be subject to lien for the penalty: *Provided*, That this subsection shall not apply to a violation of a rule or regulation of the Postmaster General.

CRIMINAL PENALTIES

General

SEC. 902. [72 Stat. 784, 49 U.S.C. 1472] (a) Any person who knowingly and willfully violates any provisions of this Act (except titles III, V, VI, VII, and XII), or any order, rule, or regulation issued under any such provision or any term, condition, or limitation of any certificate or permit issued under title IV, for which no penalty is otherwise herein provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject for the first offense to a fine of not more than \$500, and for any subsequent offense to a fine of not more than \$2,000. If such violation is a continuing one, each day of such violation shall constitute a separate offense.

Forgery of Certificates and False Marking of Aircraft

(b) Any person who knowingly and willfully forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this Act, or knowingly uses or attempts to use any such fraudulent certificate, and any person who knowingly and willfully displays or causes to be displayed on any aircraft, any marks that are false or misleading as to the nationality or registration of the aircraft, shall be subject to a fine of not exceeding \$1,000 or to imprisonment not exceeding three years, or to both such fine and imprisonment.

Interference With Air Navigation

(c) A person shall be subject to a fine of not exceeding \$5,000 or to imprisonment not exceeding five years, or to both such fine and imprisonment, who—

(1) with intent to interfere with air navigation within the United States, exhibits within the United States any light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal established pursuant to this Act, or for a true light or signal in connection with an airport or other air navigation facility; or

(2) after due warning by the Administrator, continues to maintain any misleading light or signal; or

(3) knowingly removes, extinguishes, or interferes with the operation of any such true light or signal.

Granting Rebates

(d) Any air carrier, foreign air carrier, or ticket agent, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, offer, grant, or give, or cause to be offered, granted, or given, any rebate or other concession in violation of the provisions of this Act, or who, by any device or means, shall, knowingly and willfully, assist, or shall willingly suffer or permit, any person to obtain transportation or services subject to this Act at less than the rates, fares, or charges lawfully in effect, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject for each offense to a fine of not less than \$100 and not more than \$5,000.

Failure to File Reports; Falsification of Records

(e) Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse to make a report to the Board or Administrator as required by this Act, or to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board or Administrator, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than \$100 and not more than \$5,000.

Divulging Information

(f) If the Administrator or any member of the Board, or any officer or employee of either, shall knowingly and willfully divulge any fact or information which may come to his knowledge during the course of an examination of the accounts, records, and memoranda of any air carrier, or which is withheld from public disclosure under section 1104, except as he may be directed by the Administrator or the Board in the case of information ordered to be withheld by either, or by a court of competent jurisdiction or a judge thereof, he shall upon conviction thereof be subject for each offense to a fine of not more than \$5,000 or imprisonment for not more than two years, or both: *Pro-*

vided, That nothing in this section shall authorize the withholding of information by the Administrator or Board from the duly authorized committees of the Congress.

Refusal to Testify

(g) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in his power to do so, in obedience to the subpoena or lawful requirement of the Board or Administrator, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$100 nor more than \$5,000, or imprisonment for not more than one year, or both.

Transportation of Explosives and Other Dangerous Articles

(h) (1) Any person who knowingly delivers or causes to be delivered to an air carrier or to the operator of any civil aircraft for transportation in air commerce, or who causes the transportation in air commerce of, any shipment, baggage, or property, the transportation of which would be prohibited by any rule, regulation, or requirement prescribed by the Administrator under title VI of this Act, relating to the transportation, packing, marking, or description of explosives or other dangerous articles shall, upon conviction thereof for each such offense, be subject to a fine of not more than \$1,000, or to imprisonment not exceeding one year, or to both such fine and imprisonment: *Provided*, That when death or bodily injury of any person results from an offense punishable under this subsection, the person or persons convicted thereof shall, in lieu of the foregoing penalty, be subject to a fine of not more than \$10,000 or to imprisonment not exceeding ten years, or to both such fine and imprisonment.^a

(2) In the exercise of his authority under title VI of this Act, the Administrator may provide by regulation for the application in whole or in part of the rules or regulations of the Interstate Commerce Commission (including future amendments and additions thereto) relating to the transportation, packing, marking, or description of explosives or other dangerous articles for surface transportation, to the shipment and carriage by air of such articles. Such applicability may be terminated by the Administrator at any time. While so made applicable, any such rule or regulation, or part thereof, of the Interstate Commerce Commission shall for the purposes of this Act be deemed to be a regulation of the Administrator prescribed under title VI.

VENUE AND PROSECUTION OF OFFENSES

Venue

SEC. 903. [72 Stat. 786, 49 U.S.C. 1473] (a) The trial of any offense under this Act shall be in the district in which such offense is committed; or if the offense is committed upon the high seas, or out of the

^a See also the Act of July 14, 1956, 70 Stat. 538, *post*, p. 229, which amends Title 18, U.S.C., to provide penalties for the willful damaging or destroying of aircraft or motor vehicles, and their facilities.

jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

Procedure in Respect of Civil Penalties

(b) (1) Any civil penalty imposed under this Act may be collected by proceedings in personam against the person subject to the penalty and, in case the penalty is a lien, by proceedings in rem against the aircraft, or by either method alone. Such proceedings shall conform as nearly as may be to civil suits in admiralty, except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds \$20, and the facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty.

(2) Any aircraft subject to such lien may be summarily seized by and placed in the custody of such persons as the Board or Administrator may by regulation prescribe, and a report of the cause shall thereupon be transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Board or Administrator of his failure to so act.

(3) The aircraft shall be released from such custody upon payment of the penalty or the amount agreed upon in compromise; or seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings; or deposit of a bond in such amount and with such sureties as the Board or Administrator may prescribe, conditioned upon the payment of the penalty or the amount agreed upon in compromise.

(4) The Supreme Court of the United States, and under its direction other courts of the United States, may prescribe rules regulating such proceedings in any particular not provided by law.

VIOLATIONS OF SECTION 1109

SEC. 904. [72 Stat. 787, 49 U.S.C. 1474] (a) Any person who (1) violates any entry or clearance regulation made under section 1109(c) of this Act, or (2) any immigration regulations made under such section, shall be subject to a civil penalty of \$500 which may be remitted or mitigated by the Secretary of the Treasury, or the Attorney General, respectively, in accordance with such proceedings as the Secretary or Attorney General shall by regulation prescribe. Any person violating any customs regulation made under section 1109(b) of this Act, or any provision of the customs or public-health laws or regulations thereunder made applicable to aircraft by regulation under such section shall be subject to a civil penalty of \$500, and any aircraft used in connection with any such violation shall be subject to seizure

and forfeiture as provided for in such customs laws, which penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any person violating any provision of the laws and regulations relating to animal and plant quarantine made applicable to civil air navigation by regulation in accordance with section 1109(d) of this Act shall be subject to the same penalties as those provided by the said laws for violations thereof. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien, by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds \$20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary or Attorney General shall give notice thereof to the United States attorney prosecuting the libel proceedings.

(b) Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary or Attorney General may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary or Attorney General may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

TITLE X—PROCEDURE

CONDUCT OF PROCEEDINGS

SEC. 1001. [72 Stat. 788, 49 U.S.C. 1481] The Board and the Administrator, subject to the provisions of this Act and the Administrative Procedure Act, may conduct their proceedings in such manner as will be conducive to the proper dispatch of business and to the ends of justice. No member of the Board or Agency shall participate in any

hearing or proceeding in which he has a pecuniary interest. Any person may appear before the Board or Agency and be heard in person or by attorney. The Board, in its discretion, may enter its appearance and participate as an interested party in any proceeding conducted by the Administrator under title III of this Act, and in any proceeding conducted by the Administrator under title VI of this Act from which no appeal is provided to the Board. Every vote and official act of the Board and the Agency shall be entered of record, and the proceedings thereof shall be open to the public upon request of any interested party, unless the Board or the Administrator determines that secrecy is requisite on grounds of national defense.

COMPLAINTS TO AND INVESTIGATIONS BY THE ADMINISTRATOR AND THE BOARD

Filing of Complaints Authorized

SEC. 1002. [72 Stat. 788, 49 U.S.C. 1482] (a) Any person may file with the Administrator or the Board, as to matters within their respective jurisdictions, a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provisions of this Act, or of any requirement established pursuant thereto. If the person complained against shall not satisfy the complaint and there shall appear to be any reasonable ground for investigating the complaint, it shall be the duty of the Administrator or the Board to investigate the matters complained of. Whenever the Administrator or the Board is of the opinion that any complaint does not state facts which warrant an investigation or action, such complaint may be dismissed without hearing. In the case of complaints against a member of the Armed Forces of the United States acting in the performance of his official duties, the Administrator or the Board, as the case may be, shall refer the complaint to the Secretary of the department concerned for action. The Secretary shall, within ninety days after receiving such a complaint, inform the Administrator or the Board of his disposition of the complaint, including a report as to any corrective or disciplinary actions taken.

Investigations on Initiative of Administrator or Board

(b) The Administrator or Board, with respect to matters within their respective jurisdictions, is empowered at any time to institute an investigation, on their own initiative, in any case and as to any matter or thing within their respective jurisdictions, concerning which complaint is authorized to be made to or before the Administrator or Board by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Administrator or the Board shall have the same power to proceed with any investigation instituted on their own motion as though it had been appealed to by complaint.

Entry of Orders for Compliance With Act

(c) If the Administrator or the Board finds, after notice and hearing, in any investigation instituted upon complaint or upon their own

initiative, with respect to matters within their jurisdiction, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Administrator or the Board shall issue an appropriate order to compel such person to comply therewith.

Power to Prescribe Rates and Practices of Air Carriers

(d) Whenever, after notice and hearing, upon complaint, or upon its own initiative, the Board shall be of the opinion that any individual or joint rate, fare, or charge demanded, charged, collected or received by any air carrier for interstate or overseas air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Board shall determine and prescribe the lawful rate, fare, or charge (or the maximum or minimum, or the maximum and minimum thereof) thereafter to be demanded, charged, collected, or received, or the lawful classification, rule, regulation, or practice thereafter to be made effective: *Provided*, That as to rates, fares, and charges for overseas air transportation, the Board shall determine and prescribe only a just and reasonable maximum or minimum, or maximum and minimum rate, fare, or charge.

Rule of Ratemaking

(e) In exercising and performing its powers and duties with respect to the determination of rates for the carriage of persons or property, the Board shall take into consideration, among other factors—

- (1) The effect of such rates upon the movement of traffic;
- (2) The need in the public interest of adequate and efficient transportation of persons and property by air carriers at the lowest cost consistent with the furnishing of such service;
- (3) Such standards respecting the character and quality of service to be rendered by air carriers as may be prescribed by or pursuant to law;
- (4) The inherent advantages of transportation by aircraft; and
- (5) The need of each air carrier for revenue sufficient to enable such air carrier, under honest, economical, and efficient management, to provide adequate and efficient air carrier service.

Removal of Discrimination in Foreign Air Transportation

(f) Whenever, after notice and hearing, upon complaint, or upon its own initiative, the Board shall be of the opinion that any individual or joint rate, fare, or charged demanded, charged, collected, or received by any air carrier or foreign air carrier for foreign air transportation, or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, is or will be unjustly discriminatory, or unduly preferential, or unduly prejudicial, the Board may alter the same to the extent necessary to correct such discrimination, preference, or prejudice and make an

order that the air carrier or foreign air carrier shall discontinue demanding, charging, collecting, or receiving any such discriminatory, preferential, or prejudicial rate, fare, or charge or enforcing any such discriminatory, preferential, or prejudicial classification, rule, regulation, or practice.

Suspension of Rates

(g) Whenever any air carrier shall file with the Board a tariff stating a new individual or joint (between air carriers) rate, fare, or charge for interstate or overseas air transportation or any classification, rule, regulation, or practice affecting such rate, fare, or charge, or the value of the service thereunder, the Board is empowered, upon complaint or upon its own initiative, at once, and, if it so orders, without answer or other formal pleading by the air carrier, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such rate, fare, or charge, or such classification, rule, regulation, or practice; and pending such hearing and the decision thereon, the Board, by filing with such tariff, and delivering to the air carrier affected thereby, a statement in writing of its reasons for such suspension, may suspend the operation of such tariff and defer the use of such rate, fare, or charge, or such classification, rule, regulation, or practice, for a period of ninety days, and, if the proceeding has not been concluded and a final order made within such period, the Board may, from time to time, extend the period of suspension, but not for a longer period in the aggregate than one hundred and eighty days beyond the time when such tariff would otherwise go into effect; and, after hearing, whether completed before or after the rate, fare, charge, classification, rule, regulation, or practice goes into effect, the Board may make such order with reference thereto as would be proper in a proceeding instituted after such rate, fare, charge, classification, rule, regulation, or practice had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, rule, regulation, or practice shall go into effect at the end of such period: *Provided*, That this subsection shall not apply to any initial tariff filed by any air carrier.

Power to Prescribe Divisions of Rates

(h) Whenever, after notice and hearing, upon complaint or upon its own initiative, the Board is of the opinion that the divisions of joint rates, fares, or charges for air transportation are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the air carriers or foreign air carriers parties thereto, the Board shall prescribe the just, reasonable, and equitable divisions thereof to be received by the several air carriers. The Board may require the adjustment of divisions between such air carriers from the date of filing the complaint or entry of order of investigation, or such other date subsequent thereto as the Board finds to be just, reasonable, and equitable.

Power to Establish Through Air Transportation Service

(i) The Board shall, whenever required by the public convenience and necessity, after notice and hearing, upon complaint or upon its

own initiative, establish through service and joint rates, fares, or charges (or the maxima or minima, or the maxima and minima thereof) for interstate or overseas air transportation, or the classifications, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, and the terms and conditions under which such through service shall be operated: *Provided*, That as to joint rates, fares, and charges for overseas air transportation the Board shall determine and prescribe only just and reasonable maximum or minimum or maximum and minimum joint rates, fares, or charges.

JOINT BOARDS

Designation of Boards

SEC. 1003. [72 Stat. 791, 49 U.S.C. 1483] (a) The Board and the Interstate Commerce Commission shall direct their respective chairmen to designate, from time to time, a like number of members of each to act as a joint board to consider and pass upon matters referred to such board as provided in subsection (c) of this section.

Through Service and Joint Rates

(b) Air carriers may establish reasonable through service and joint rates, fares, and charges with other common carriers; except that with respect to transportation of property, air carriers not directly engaged in the operation of aircraft in air transportation (other than companies engaged in the air express business) may not establish joint rates or charges, under the provisions of this subsection, with common carriers subject to the Interstate Commerce Act. In case of through service by air carriers and common carriers subject to the Interstate Commerce Act, it shall be the duty of the carriers parties thereto to establish just and reasonable rates, fares, or charges and just and reasonable classifications, rules, regulations, and practices affecting such rates, fares, or charges, or the value of the service thereunder, and if joint rates, fares, or charges shall have been established with respect to such through service, just, reasonable, and equitable divisions of such joint rates, fares, or charges as between the carriers participating therein. Any air carrier, and any common carrier subject to the Interstate Commerce Act, which is participating in such through service and joint rates, fares, or charges, shall include in its tariffs, filed with the Civil Aeronautics Board or the Interstate Commerce Commission, as the case may be, a statement showing such through service and joint rates, fares, or charges.

Jurisdiction of Boards

(c) Matters relating to such through service and joint rates, fares, or charges may be referred by the Board or the Interstate Commerce Commission, upon complaint or upon its own initiative, to a joint board created as provided in subsection (a). Complaints may be made to the Interstate Commerce Commission or the Board with respect to any matter which may be referred to a joint board under this subsection.

Power of Boards

(d) With respect to matters referred to any joint board as provided in subsection (c), if such board finds, after notice and hearing, that any such joint rate, fare, or charge, or classification, rule, regulation, or practice, affecting such joint rate, fare, or charge or the value of the service thereunder is or will be unjust, unreasonable, unjustly discriminatory, or unduly preferential or prejudicial, or that any division of any such joint rate, fare, or charge, is or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto, it is authorized and directed to take the same action with respect thereto as the Board is empowered to take with respect to any joint rate, fare, or charge, between air carriers, or any divisions thereof, or any classification, rule, regulation, or practice affecting such joint rate, fare, or charge or the value of the service thereunder.

Judicial Enforcement and Review

(e) Orders of the joint boards shall be enforceable and reviewable as provided in this Act with respect to orders of the Board.

EVIDENCE

Power to Take Evidence

SEC. 1004. [72 Stat. 792, 49 U.S.C. 1484] (a) Any member or examiner of the Board, when duly designated by the Board for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Board. In all cases heard by an examiner or a single member the Board shall hear or receive argument on request of either party.

Power to Issue Subpena

(b) For the purposes of this Act the Board shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Enforcement of Subpena

(c) The attendance of witnesses, and the production of books, papers, and documents, may be required from any place in the United States, at any designated place of hearing. In case of disobedience to a subpoena, the Board, or any party to a proceeding before the Board, may invoke the aid of any court of the United States in requiring attendance and testimony of witnesses and the production of such books, papers, and documents under the provisions of this section.

Contempt

(d) Any court of the United States within the jurisdiction of which an inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Board (and produce books, papers, or documents if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Deposition

(e) The Board may order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Board and having power to administer oaths. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Board, as hereinbefore provided.

Method of Taking Depositions

(f) Every person deposing as herein provided shall be cautioned and shall be required to swear (or affirm, if he so requests) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent. All depositions shall be promptly filed with the Board.

Foreign Depositions

(g) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken, provided the laws of the foreign country so permit, by a consular officer or other person commissioned by the Board, or agreed upon by the parties by stipulation in writing to be filed with the Board, or may be taken under letters rogatory issued by a court of competent jurisdiction at the request of the Board.

Fees

(h) Witnesses whose depositions are taken as authorized in this Act, and the persons taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States: *Provided*, That with respect to commissions or letters rogatory issued at the initiative of the Board, executed in foreign countries, the Board shall pay such fees, charges, or expenses incidental

thereto as may be found necessary, in accordance with regulations on the subject to be prescribed by the Board.

Compelling Testimony

(i) No person shall be excused from attending and testifying, or from producing books, papers, or documents before the Board, or in obedience to the subpoena of the Board, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, on the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

ORDERS, NOTICES, AND SERVICE

Effective Date of Orders; Emergency Orders

SEC. 1005. [72 Stat. 794, 49 U.S.C. 1485] (a) Except as otherwise provided in this Act, all orders, rules, and regulations of the Board or the Administrator shall take effect within such reasonable time as the Board or Administrator may prescribe, and shall continue in force until their further order, rule, or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation: *Provided*, That whenever the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce, the Administrator is authorized, either upon complaint or his own initiative without complaint, at once, if he so orders, without answer or other form of pleading by the interested person or persons, and with or without notice, hearing, or the making or filing of a report, to make such just and reasonable orders, rules, or regulations, as may be essential in the interest of safety in air commerce to meet such emergency: *Provided further*, That the Administrator shall immediately initiate proceedings relating to the matters embraced in any such order, rule, or regulation, and shall, insofar as practicable, give preference to such proceedings over all others under this Act.

Designation of Agent for Service

(b) It shall be the duty of every air carrier and foreign air carrier to designate in writing an agent upon whom service of all notices and process and all orders, decisions, and requirements of the Board and the Administrator may be made for and on behalf of said carrier, and to file such designation with the Administrator and in the office of the secretary of the Board, which designation may from time to time be changed by like writing similarly filed. Service of all notices and process and orders, decisions, and requirements of the Administrator or the Board may be made upon such carrier by service upon

such designated agent at his office or usual place of residence with like effect as if made personally upon such carrier, and in default of such designation of such agent, service of any notice or other process in any proceedings before said Administrator or Board or of any order, decision, or requirements of the Administrator or Board, may be made by posting such notice, process, order, requirement, or decision in the office of the Administrator or with the secretary of the Board.

Other Methods of Service

"(c) Service of notices, processes, orders, rules, and regulations upon any person may be made by personal service, or upon an agent designated in writing for the purpose, or by registered or certified mail addressed to such person or agent. Whenever service is made by registered or certified mail, the date of mailing shall be considered as the time when service is made."¹⁰

Suspension or Modification of Order

(d) Except as otherwise provided in this Act, the Administrator or the Board is empowered to suspend or modify their orders upon such notice and in such manner as they shall deem proper.

Compliance with Order Required

(e) It shall be the duty of every person subject to this Act, and its agents and employees, to observe and comply with any order, rule, regulation, or certificate issued by the Administrator or the Board under this Act affecting such person so long as the same shall remain in effect.

Form and Service of Orders

(f) Every order of the Administrator or the Board shall set forth the findings of fact upon which it is based, and shall be served upon the parties to the proceeding and the persons affected by such order.

JUDICIAL REVIEW OF ORDERS

Orders of Board and Administrator subject to Review

SEC. 1006. [72 Stat. 795, 49 U.S.C. 1486] (a) Any order, affirmative or negative, issued by the Board or Administrator under this Act, except any order in respect of any foreign air carrier subject to the approval of the President as provided in section 801 of this Act, shall be subject to review by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia upon petition, filed within sixty days after the entry of such order, by any person disclosing a substantial interest in such order. After the expiration of said sixty days a petition may be filed only by leave of court upon a showing of reasonable grounds for failure to file the petition theretofore.

Venue

(b) A petition under this section shall be filed in the court for the circuit wherein the petitioner resides or has his principal place of business or in the United States Court of Appeals for the District of Columbia.

¹⁰Amended by Public Law 86-199, 86th Cong. H.R. 7112, August 25, 1959 (72 Stat. 794, 49 U.S.C. 1485(a)).

Notice to Board or Administrator; Filing of Transcript

(c) A copy of the petition shall, upon filing, be forthwith transmitted to the Board or Administrator by the clerk of the court, and the Board or Administrator shall thereupon certify and file in the court a transcript of the record, if any, upon which the order complained of was entered.

Power of Court

(d) Upon transmittal of the petition to the Board or Administrator, the court shall have exclusive jurisdiction to affirm, modify, or set aside the order complained of, in whole or in part, and if need be, to order further proceedings by the Board or Administrator. Upon good cause shown, interlocutory relief may be granted by stay of the order or by such mandatory or other relief as may be appropriate: *Provided*, That no interlocutory relief may be granted except upon at least five days' notice to the Board or Administrator.

Findings of Fact Conclusive

(e) The findings of facts by the Board or Administrator, if supported by substantial evidence, shall be conclusive. No objection to an order of the Board or Administrator shall be considered by the court unless such objection shall have been urged before the Board or Administrator or, if it was not so urged, unless there were reasonable grounds for failure to do so.

Certification or Certiorari

(f) The judgment and decree of the court affirming, modifying, or setting aside any such order of the Board or Administrator shall be subject only to review by the Supreme Court of the United States upon certification or certiorari as provided in section 1254 of title 28, United States Code.

JUDICIAL ENFORCEMENT

Jurisdiction of Court

SEC. 1007. [72 Stat. 796, 49 U.S.C. 1487] (a) If any person violates any provision of this Act, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit issued under this Act, the Board or Administrator, as the case may be, their duly authorized agents, or, in the case of a violation of section 401(a) of this Act, any party in interest may apply to the district court of the United States, for any district wherein such person carries on his business or wherein the violation occurred, for the enforcement of such provision of this Act, or of such rule, regulation, requirement, order, term, condition, or limitation; and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or other process, mandatory or otherwise, restraining such person, his officers, agents, employees, and representatives, from further violation of such provision of this Act

or of such rule, regulation, requirement, order, term, condition, or limitation, and requiring their obedience thereto,

Application for Enforcement

(b) Upon the request of the Board or Administrator, any district attorney of the United States to whom the Board or Administrator may apply is authorized to institute in the proper court and to prosecute under the direction of the Attorney General all necessary proceedings for the enforcement of the provisions of this Act or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

PARTICIPATION IN COURT PROCEEDINGS

SEC. 1008 [72 Stat. 796, 49 U.S.C. 1483] Upon request of the Attorney General, the Board or Administrator, as the case may be, shall have the right to participate in any proceeding in court under the provisions of this Act.

JOINDER OF PARTIES

SEC. 1009. [72 Stat. 796, 49 U.S.C. 1489] In any proceeding for the enforcement of the provisions of this Act, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit, whether such proceedings be instituted before the Board or be begun originally in any court of the United States, it shall be lawful to include as parties, or to permit the intervention of, all persons interested in or affected by the matter under consideration; and inquiries, investigations, orders, and decrees may be made with reference to all such parties in the same manner, to the same extent, and subject to the same provisions of law as they may be made with respect to the persons primarily concerned.

TITLE XI—MISCELLANEOUS

HAZARDS TO AIR COMMERCE¹¹

SEC. 1101. [72 Stat. 797, 49 U.S.C. 1501] The Administrator shall, by rules and regulations, or by order where necessary, require all persons to give adequate public notice, in the form and manner prescribed by the Administrator, of the construction or alternation, or of the proposed construction or alteration, of any structure where notice will promote safety in air commerce.

INTERNATIONAL AGREEMENTS

SEC. 1102. [72 Stat. 797, 49 U.S.C. 1502] In exercising and performing their powers and duties under this Act, the Board and the

¹¹Section 303(q) of the Federal Communications Act of 1934, 48 Stat. 1082, 47 U.S.C. 303(q) provides that "Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall— * * * have authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation."

Administrator shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries, and shall take into consideration any applicable laws and requirements of foreign countries and the Board shall not, in exercising and performing its powers and duties with respect to certificates of convenience and necessity, restrict compliance by any air carrier with any obligation, duty, or liability imposed by any foreign country: *Provided*, That this section shall not apply to any obligation, duty, or liability arising out of a contract or other agreement, heretofore or hereafter entered into between an air carrier, or any officer or representative thereof, and foreign country, if such contract or agreement is disapproved by the Board as being contrary to the public interest.

NATURE AND USE OF DOCUMENTS FILED

SEC. 1103. [72 Stat. 797, 49 U.S.C. 1503] The copies of tariffs and of all contracts, agreements, understandings, and arrangements filed with the Board as herein provided, and the statistics, tables, and figures contained in the annual or other reports of air carriers and other persons made to the Board as required under the provisions of this Act shall be preserved as public records (except as otherwise provided in this Act) in the custody of the secretary of the Board, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Board and in all judicial proceedings; and copies of, and extracts from, any of such tariffs, contracts, agreements, understandings, arrangements, or reports, certified by the secretary of the Board, under the seal of the Board, shall be received in evidence with like effect as the originals.

WITHHOLDING OF INFORMATION

SEC. 1104. [72 Stat. 797, 49 U.S.C. 1504] Any person may make written objection to the public disclosure of information contained in any application, report, or document filed pursuant to the provisions of this Act or of information obtained by the Board or the Administrator, pursuant to the provisions of this Act, stating the grounds for such objection. Whenever such objection is made, the Board or Administrator shall order such information withheld from public disclosure when, in their judgment, a disclosure of such information would adversely affect the interests of such person and is not required in the interest of the public. The Board or Administrator shall be responsible for classified information in accordance with appropriate law: *Provided*, That nothing in this section shall authorize the withholding of information by the Board or Administrator from the duly authorized committees of the Congress.

COOPERATION WITH GOVERNMENT AGENCIES

SEC. 1105. [72 Stat. 798, 49 U.S.C. 1505] The Board and the Administrator may avail themselves of the assistance of the National Aeronautics and Space Administration and any research or technical agency of the United States on matters relating to aircraft fuel and oil

and to the design, materials, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air navigation facilities. Each such agency is authorized to conduct such scientific and technical researches, investigations, and tests as may be necessary to aid the Board and Administrator in the exercise and performance of their powers and duties. Nothing contained in this Act shall be construed to authorize the duplication of the laboratory research activities of any existing governmental agency.

REMEDIES NOT EXCLUSIVE

SEC. 1106. [72 Stat. 798, 49 U.S.C. 1506] Nothing contained in this Act shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies.

PUBLIC USE OF FACILITIES

SEC. 1107. [72 Stat. 798, 49 U.S.C. 1507] (a) Air navigation facilities owned or operated by the United States may be made available for public use under such conditions and to such extent as the head of the department or other agency having jurisdiction thereof deems advisable and may by regulation prescribe.

(b) The head of any Government department or other agency having jurisdiction over any airport or emergency landing field owned or operated by the United States may provide for the sale to any aircraft of fuel, oil, equipment, and supplies, and the furnishing to it of mechanical service, temporary shelter, and other assistance under such regulations as the head of the department or agency may prescribe, but only if such action is by reason of an emergency necessary to the continuance of such aircraft on its course to the nearest airport operated by private enterprise. All such articles shall be sold and such assistance furnished at the fair market value prevailing locally as ascertained by the head of such department or agency. All amounts received under this subsection shall be covered into the Treasury; but that part of such amounts which, in the judgment of the head of the department or agency, is equivalent to the cost of the fuel, oil, equipment, supplies, services, shelter, or other assistance so sold or furnished shall be credited to the appropriation from which such cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

FOREIGN AIRCRAFT

SEC. 1108. [72 Stat. 798, 49 U.S.C. 1508] (a) The United States of America is hereby declared to possess and exercise complete and exclusive national sovereignty in the airspace of the United States, including the airspace above all inland waters and the airspace above those portions of the adjacent marginal high seas, bays, and lakes, over which by international law or treaty or convention the United States exercises national jurisdiction. Aircraft of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

(b) Foreign aircraft, which are not a part of the armed forces of a foreign nation, may be navigated in the United States by airmen holding certificates or licenses issued or rendered valid by the United States or by the nation in which the aircraft is registered if such foreign nation grants a similar privilege with respect to aircraft of the United States and only if such navigation is authorized by permit, order, or regulation issued by the Board hereunder, and in accordance with the terms, conditions, and limitations thereof. The Board shall issue such permits, orders, or regulations to such extent only as it shall find such action to be in the interest of the public: *Provided, however,* That in exercising its powers hereunder, the Board shall do so consistently with any treaty, convention, or agreement which may be in force between the United States and any foreign country or countries. Foreign civil aircraft permitted to navigate in the United States under this subsection may be authorized by the Board to engage in air commerce within the United States except that they shall not take on at any point within the United States, persons, property, or mail carried for compensation or hire and destined for another point within the United States. Nothing contained in this subsection (b) shall be deemed to limit, modify, or amend section 402 of this Act, but any foreign air carrier holding a permit under said section 402 shall not be required to obtain additional authorization under this subsection with respect to any operation authorized by said permit.

APPLICATION OF EXISTING LAWS RELATING TO FOREIGN COMMERCE

SEC. 1109. [72 Stat. 799, 49 U.S.C. 1509] (a) Except as specifically provided in the Act entitled "An Act to authorize the President to proclaim regulations for preventing collisions at sea", approved October 11, 1951 (Public Law 172, Eighty-second Congress; 65 Stat. 406), the navigation and shipping laws of the United States, including any definition of "vessel" or "vehicle" found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

(b) The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other agency under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs laws to such extent and upon such conditions as he deems necessary.

(c) The Secretary of the Treasury is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

(d) The Secretary of Agriculture is authorized by regulation to provide for the application to civil air navigation of the laws and

regulations related to animal and plant quarantine, including the importation, exportation, transportation, and quarantine of animals, plants, animal and plant products, insects, bacterial and fungus cultures, viruses, and serums, to such extent and upon such conditions as he deems necessary.

GEOGRAPHICAL EXTENSION OF JURISDICTION

SEC. 1110. [72 Stat. 800, 49 U.S.C. 1510] Whenever the President determines that such action would be in the national interest, he may, to the extent, in the manner, and for such periods of time as he may consider necessary, extend the application of this Act to any areas of land or water outside of the United States and the overlying airspace thereof in which the Federal Government of the United States, under international treaty, agreement or other lawful arrangement has the necessary legal authority to take such action.

TITLE XII—SECURITY PROVISIONS

PURPOSE

SEC. 1201. [72 Stat. 800, 49 U.S.C. 1521] The purpose of this title is to establish security provisions which will encourage and permit the maximum use of the navigable airspace by civil aircraft consistent with the national security.

SECURITY CONTROL OF AIR TRAFFIC

SEC. 1202. [72 Stat. 800, 49 U.S.C. 1522] In the exercise of his authority under section 307 (a) of this Act, the Administrator, in consultation with the Department of Defense, shall establish such zones or areas in the airspace of the United States as he may find necessary in the interests of national defense, and by rule, regulation, or order restrict or prohibit the flight of civil aircraft, which he cannot identify, locate, and control with available facilities, within such zones or areas.

PENALTIES

SEC. 1203. [72 Stat. 800, 49 U.S.C. 1523] In addition to the penalties otherwise provided for by this Act, any person who knowingly or willfully violates any provision of this title, or any rule, regulation, or order issued thereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not exceeding \$10,000 or to imprisonment not exceeding one year, or to both such fine and imprisonment.

TITLE XIII—WAR RISK INSURANCE

DEFINITIONS

American Aircraft

SEC. 1301. [72 Stat. 800, 49 U.S.C. 1531] As used in this title—

(a) The term "American aircraft" means "civil aircraft of the United States" as defined in section 101(15) of this Act, and any

aircraft owned or chartered by or made available to the United States, or any department or agency thereof, or the government of any State, Territory, or possession of the United States, or any political subdivision thereof, or the District of Columbia.

War Risks

(b) The term "war risks" includes, to such extent as the Secretary may determine, all or any part of those risks which are described in "free of capture and seizure" clauses, or analogous clauses.

Secretary

(c) The term "Secretary" means the Secretary of Commerce.

Insurance Company and Insurance Carrier

(d) The terms "insurance company" and "insurance carrier" in sections 1305 (a) and (b) and in section 1307(d) shall include any mutual or stock insurance company, reciprocal insurance association, and any group or association authorized to do an aviation insurance business in any State of the United States.

AUTHORITY TO INSURE

Power of Secretary

SEC. 1302. [72 Stat. 801, 49 U.S.C. 1532] (a) The Secretary, with the approval of the President, and after such consultation with interested agencies of the Government as the President may require, may provide insurance and reinsurance against loss or damage arising out of war risks in the manner and to the extent provided in this title, whenever it is determined by the Secretary that such insurance adequate for the needs of the air commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States: *Provided*, That no insurance shall be issued under this title to cover war risks on persons or property engaged or transported exclusively in air commerce within the several States of the United States and the District of Columbia.

Basis of Insurance

(b) Any insurance or reinsurance issued under any of the provisions of this title shall be based, insofar as practicable, upon consideration of the risk involved.

INSURABLE PERSONS, PROPERTY, OR INTERESTS

SEC. 1303. [72 Stat. 801, 49 U.S.C. 1533] The Secretary may provide the insurance and reinsurance, authorized by section 1302 with respect to the following persons, property, or interest:

Aircraft

(a) American aircraft, and those foreign-flag aircraft engaged in aircraft operations deemed by the Secretary to be in the interest of

the national defense or the national economy of the United States, when so engaged.

Cargo

(b) Cargoes transported or to be transported on any such aircraft, including shipments by express or registered mail; air cargoes owned by citizens or residents of the United States, its Territories, or possessions; air cargoes imported to, or exported from, the United States, its Territories, or possessions and air cargoes sold or purchased by citizens or residents of the United States, its Territories, or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories, or possessions; air cargoes transported between any point in the United States and any point in a Territory or possession of the United States, between any point in any such Territory or possession and any point in any other such Territory or possession, or between any point in any such Territory or possession and any other point in the same Territory or possession.

Personal Effects and Baggage

(c) The personal effects and baggage of the captains, pilots, officers, members of the crews of such aircraft, and of other persons employed or transported on such aircraft.

Persons

(d) Captains, pilots, officers, members of the crews of such aircraft, and other persons employed or transported thereon against loss of life, injury, or detention.

Other Interests

(e) Statutory or contractual obligations or other liabilities of such aircraft or of the owner or operator of such aircraft of the nature customarily covered by insurance.

INSURANCE FOR DEPARTMENTS AND AGENCIES

Exception

SEC. 1304. [72 Stat. 802, 49 U.S.C. 1534] (a) Any department or agency of the United States may, with the approval of the President, procure from the Secretary any of the insurance provided under this title, except with respect to valuables covered by sections 1 and 2 of the Act of July 8, 1937 (50 Stat. 479).

Indemnity Agreements

(b) The Secretary is authorized with such approval to provide such insurance at the request of the Secretary of Defense, and such other agencies as the President may prescribe, without premium in consideration of the agreement of the Secretary of Defense or such agency

to indemnify the Secretary against all losses covered by such insurance, and the Secretary of Defense and such other agencies are authorized to execute such indemnity agreement with the Secretary.

REINSURANCE

Who May Be Reinsured

SEC. 1305. [72 Stat. 802, 49 U.S.C. 1535] (a) To the extent that he is authorized by this title to provide insurance, the Secretary may reinsure, in whole or in part, any company authorized to do an insurance business in any State of the United States. The Secretary may reinsure with, or cede or retrocede to, any such company, any insurance or reinsurance provided by the Secretary in accordance with the provisions of this title.

Rates for Reinsurance

(b) Reinsurance shall not be provided by the Secretary at rates less than nor obtained by the Secretary at rates more than the rates established by the Secretary on the same or similar risks or the rates charged by the insurance carrier for the insurance so reinsured, whichever is most advantageous to the Secretary, except that the Secretary may make to the insurance carrier such allowances for expenses on account of the cost of services rendered or facilities furnished as he deems reasonably to accord with good business practice, but such allowance to the carrier shall not provide for any payment by the carrier on account of solicitation for or stimulation of insurance business.

COLLECTION AND DISBURSEMENT OF FUNDS

Treasury Revolving Fund

SEC. 1306. [72 Stat. 803, 49 U.S.C. 1536] (a) Moneys appropriated by Congress to carry out the provisions of this title and all moneys received from premiums, salvage, or other recoveries and all receipts in connection with this title shall be deposited in a revolving fund in the Treasury of the United States. Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this title shall be made from such funds through the disbursing facilities of the Treasury Department.

Appropriations

(b) Such sums as shall be necessary to carry out the provisions of this title are authorized to be appropriated to such fund.

Revolving Fund Excess

(c) At least annually, any balance in the revolving fund in excess of an amount determined by the Secretary to be necessary for the requirements of the fund, and for reasonable reserves to maintain the solvency of the fund shall be paid into the Treasury as miscellaneous receipts.

Annual Payment of Costs

(d) Annual payments shall be made by the Secretary to the Treasury of the United States as miscellaneous receipts by reason of costs incurred by the Government through the employment of appropriated funds by the Secretary in carrying out the provisions of this title. These payments shall be computed by applying to the average monthly balance of appropriated funds retained in the revolving fund a percentage determined annually in advance by the Secretary of the Treasury. Such percentage shall not be less than the current average rate which the Treasury pays on its marketable obligations.

Civil Service Retirement System

(e) The Secretary shall contribute to the Civil Service Retirement and Disability Fund, on the basis of annual billings as determined by the Civil Service Commission, for the Government's share of the cost of the Civil Service Retirement System applicable to the employees engaged in carrying out the provisions of this title. The Secretary shall also contribute to the employees' compensation fund, on the basis of annual billings as determined by the Secretary of Labor for the benefit payments made from such fund on account of the employees engaged in carrying out the provisions of this title. The annual billings shall also include a statement of the fair portion of the cost of the administration of the respective funds, which shall be paid by the Secretary into the Treasury as miscellaneous receipts.

ADMINISTRATIVE POWERS OF SECRETARY

Regulatory and Settlement

SEC. 1307. [72 Stat. 803, 49 U.S.C. 1537] (a) The Secretary, in the administration of this title, may issue such policies, rules, and regulations as he deems proper and, subject to the following provisions of this subsection, may adjust and pay losses, compromise and settle claims, whether in favor of or against the United States and pay the amount of any judgment rendered against the United States in any suit, or the amount of any settlement agreed upon, in respect of any claim under insurance authorized by this title. In the case of any aircraft which is insured under the provisions of this title, (1) the policy shall specify a stated amount to be paid in the event of total loss, and such stated amount shall not exceed an amount determined by the Secretary, after consultation with the Civil Aeronautics Board, to represent the fair and reasonable value of the aircraft, and (2) the amount of any claim which is compromised, settled, adjusted, or paid shall in no event exceed such stated amount.

Forms, Policies, Amounts Insured, and Rates

(b) The Secretary may prescribe and change forms and policies, and fix, adjust, and change the amounts insured and rates of premium provided for in this title: *Provided*, That with respect to policies in effect at the time any such change is made, such change shall apply only with the consent of the insured.

Manner of Administration

(c) The Secretary, in administering this title, may exercise his powers, perform his duties and functions, and make his expenditures, in accordance with commercial practice in the aviation insurance business. Except as authorized in subsection (d) of this section, no insurance broker or other person acting in a similar intermediary capacity shall be paid any fee or other consideration by the Secretary by virtue of his participation in arranging any insurance wherein the Secretary directly insures any of the risk thereof.

Employment of Aviation Insurance Companies and Agents

(d) The Secretary may, and whenever he finds it practical to do so shall, employ companies or groups of companies authorized to do an aviation insurance business in any State of the United States, to act as his underwriting agent. The Secretary may allow such companies or groups of companies fair and reasonable compensation for servicing insurance written by such companies or groups of companies as underwriting agent for the Secretary. The services of such underwriting agents may be utilized in the adjustment of claims under insurance provided by this title, but no claim shall be paid unless and until it has been approved by the Secretary. Such compensation may include an allowance for expenses reasonably incurred by such agent, but such allowance shall not include any payment by such agent on account of solicitation for or stimulation of insurance business.

Cooperation With Other Agencies

(e) The Secretary with the consent of any executive department, independent establishment, or other agency of the Government, including any field service thereof, may avail himself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this title.

Budget Program and Accounts

(f) The Secretary, in the performance of, and with respect to, the functions, powers, and duties vested in him by this title, shall prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act, as amended (59 Stat. 597; 31 U.S.C. 841). The Secretary shall maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with principles and procedures applicable to commercial transactions as provided by the said Government Corporation Control Act: *Provided*, That, because of the business activities authorized by this title, the Secretary may exercise the powers conferred in said title, perform the duties and functions, and make expenditures required in accordance with commercial practice in the aviation insurance business, and the General Accounting Office shall allow credit for such expenditures when shown to be necessary because of the nature of such authorized activities.

RIGHTS OF AIRMEN UNDER EXISTING LAW

SEC. 1308. [72 Stat. 805, 49 U.S.C. 1538] This title shall not affect rights of airmen under existing law.

ANNUAL AND QUARTERLY REPORTS TO CONGRESS

SEC. 1309. [72 Stat. 805, 49 U.S.C. 1539] The Secretary shall include in his annual report to Congress a detailed statement of all activities and of all expenditures and receipts under this title for the period covered by such report and in addition make quarterly progress reports to the Congress with reference to contracts entered into, proposed contracts, and the general progress of his insurance activities.

JUDICIAL REVIEW OF CLAIMS

SEC. 1310. [72 Stat. 805, 49 U.S.C. 1540] Upon disagreement as to a loss insured under this title, suit may be maintained against the United States in the United States District Court for the District of Columbia or in the United States district court in and for the district in which the claimant or his agent resides, notwithstanding the amount of the claim and any provision of existing law as to the jurisdiction of United States district courts, and this remedy shall be exclusive of any other action by reason of the same subject matter against any agent or employee of the United States employed or retained under this title. If the claimant has no residence in the United States, suit may be brought in the United States District Court for the District of Columbia or in any other United States district court in which the Attorney General of the United States agrees to accept service. The procedure in such suits shall otherwise be the same as that provided for suits in the district courts by title 28, United States Code, section 1346(a)(2), so far as applicable. All persons having or claiming or who might have an interest in such insurance may be made parties either initially or upon the motion of either party. In any case where the Secretary acknowledges the indebtedness of the United States on account of such insurance, and there is a dispute as to the persons entitled to receive payment, the United States may bring an action in the nature of a bill of interpleader against such parties, in the United States District Court for the District of Columbia, or in the United States district court of the district in which any such person resides. In such actions any party, if not a resident of or found within the district, may be brought in by order of court served in such reasonable manner as the court directs. If the court is satisfied that persons unknown might assert a claim on account of such insurance, it may direct service upon such persons unknown by publication in the Federal Register. Judgment in any such suit shall discharge the United States from further liability to any parties to such action, and to all persons when service by publication upon persons unknown is directed by the court. The period within which suits may be commenced contained in said Act providing for bringing of suits against the United States shall, if claim be filed therefor within such period, be suspended from such time of filing until the claim shall have been administratively denied by the Secre-

tary and for sixty days thereafter: *Provided, however*, That such claim shall be deemed to have been administratively denied if not acted upon within six months after the time of filing, unless the Secretary for good cause shown shall have otherwise agreed with the claimant.

INSURANCE OF EXCESS WITH OTHER UNDERWRITERS

SEC. 1311. [72 Stat. 806, 49 U.S.C. 1541] A person having an insurable interest in an aircraft may, with the approval of the Secretary, insure with other underwriters in an amount in excess of the amount insured with the Secretary, and, in that event, the Secretary shall not be entitled to the benefit of such insurance, but nothing in this section shall prevent the Secretary from entering into contracts of coinsurance.

TERMINATION OF TITLE

SEC. 1312. [72 Stat. 806, 49, U.S.C. 1542] The authority of the Secretary to provide insurance and reinsurance under this title shall expire at the termination of June 13, 1961.

TITLE XIV—REPEALS AND AMENDMENTS

REPEALS

SEC. 1401. [72 Stat. 806] (a) The Act of May 20, 1926 (Air Commerce Act of 1926, 44 Stat. 568), as amended, is hereby repealed.

(b) The Act of June 23, 1938 (Civil Aeronautics Act of 1938, 52 Stat. 973), as amended, is hereby repealed, except that the repeal by this subsection of subsections (b) and (c) of section 307 and clause (8) of section 803 of such Act shall not take effect in such manner as to impair the operation of the deferred repeal of such subsections and such clause as provided in section 21 of the Government Employees Training Act.

(c) [72 Stat. 806; 5 U.S.C. 133t note; 49 U.S.C. 486 note, 1343 note] Section 7 of Reorganization Plan Numbered III (54 Stat. 1233) and section 7 of Reorganization Plan Numbered IV (54 Stat. 1235-1236), which became effective on June 30, 1940 (54 Stat. 231), and Reorganization Plan No. 10, which became effective October 1, 1953 (67 Stat. 644), are hereby repealed. No function vested in the Administrator by this Act shall hereafter be subject to the provisions of section 1 (a) of Reorganization Plan No. 5 of 1950 (64 Stat. 1263).

(d) The Act of August 14, 1957 (Airways Modernization Act of 1957, 71 Stat. 349), is hereby repealed.¹²

(e) [72 Stat. 806, 49 U.S.C. 1301 note] All other Acts or parts of Acts inconsistent with any provision of this Act are hereby repealed.

AMENDMENTS TO ACTS RELATING TO AIRPORTS

Act Relating to Public Airports

SEC. 1402. [72 Stat. 806] (a) [72 Stat. 806, 49 U.S.C. 211 (b), (c)] The Act of May 24, 1928, as amended (45 Stat. 728), is further

¹² Functions, property, etc. of Airways Modernization Board were transferred to Administrator, Federal Aviation Agency on November 1, 1958 (Executive Order No. 10786, 23 Fed. Reg. 8573, *post* p. 255).

amended by striking out the words "Civil Aeronautics Authority" wherever they appear and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency".

Federal Airport Act

(b) The Act of May 13, 1946, as amended (60 Stat. 170), is further amended as follows:

(1) [72 Stat. 806, 49 U.S.C. 1101(a)(1)] By striking the words "Administrator of Civil Aeronautics" wherever they appear and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency";

(2) [72 Stat. 807, 49 U.S.C. 1102(a), 1105, 1116(d), (e)] By striking the word "Secretary" where it appears in sections 3(a), 6, and 17, and inserting in lieu thereof the word "Administrator"; and

(3) [72 Stat. 807, 49 U.S.C. 1103, 1108 (a), (d), 1111] By striking the words "Secretary of Commerce" wherever they appear and inserting in lieu thereof the word "Administrator".

Government Surplus Airports and Equipment Act

(c) [72 Stat. 807, 50 U.S.C. App. 1622(g), 1622a, 1622b, 1622c] The Act of July 30, 1947 (61 Stat. 678), as amended, including the Act of October 1, 1949 (63 Stat. 700), is further amended by striking the words "Administrator of Civil Aeronautics" wherever they appear and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency".

Alaskan Airports Act

(d) The Act of May 28, 1948, as amended (62 Stat. 277), is amended as follows:

(1) [72 Stat. 807, 48 U.S.C. 485] By striking the words "Administrator of Civil Aeronautics" and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency";

(2) [72 Stat. 807, 48 U.S.C. 485c] By striking the words "Civil Aeronautics Administration" and inserting in lieu thereof the words "Federal Aviation Agency";

(3) [72 Stat. 807, 48 U.S.C. 485d] By striking the words "Secretary of Commerce" and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency".

Department of Interior Airports Act

(e) [72 Stat. 807, 16 U.S.C. 7a] The Act of March 18, 1950 (64 Stat. 27), is amended by striking the words "Administrator of Civil Aeronautics" and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency".

Washington National Airport Act

(f) The Act of June 29, 1940 (54 Stat. 686), as amended, is further amended by striking out the words "Administrator of the Civil Aeronautics Authority" in subsection (a) of section 1 and inserting in lieu

thereof the words "Administrator of the Federal Aviation Agency", and by striking out the words "Civil Aeronautics Administration" in subsection (a) of section 4 and inserting in lieu thereof the words "Federal Aviation Agency".

Second Washington Airport Act

(g) The Act of September 7, 1950 (64 Stat. 770), is amended by striking the word "Secretary" wherever it appears except in subsection (c) of section 8 and inserting in lieu thereof the word "Administrator"; by striking the words "Secretary of Commerce" from the first section of such Act and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency"; by striking the words "Department of Commerce" wherever they appear and inserting in lieu thereof the words "Federal Aviation Agency"; and by striking subsection (c) of section 8 and inserting in lieu thereof a new subsection as follows:

"(c) The United States Park Police may, at the request of the Administrator, be assigned by the Secretary of the Interior, in his discretion, to patrol any area of the airport, and any members of the United States Park Police so assigned are hereby authorized and empowered to make arrests within the limits of the airport for the same offenses and in the same manner and circumstances as are provided in this section with respect to employees designated by the Administrator."

AMENDMENTS TO THE INTERNATIONAL AVIATION FACILITIES ACT

SEC. 1403. [72 Stat. 808, 49 U.S.C. 1151, 1152, 1155, 1157 (a), (b), 1160] The Act of June 16, 1948 (62 Stat. 450), as amended, is further amended by striking the words "Administrator of Civil Aeronautics" and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency", and by striking the words "Civil Aeronautics Administration" and inserting in lieu thereof the words "Federal Aviation Agency"; by striking paragraph (1) of section 2 and renumbering subsequent subsections; by striking the phrase "After consultation with the Air Coordinating Committee and" from section 3; by striking the phrase "with the unanimous approval of the Air Coordinating Committee," from section 6; and by striking the sentence reading "Transfer of property in foreign territory shall be made hereunder only after consultation with the Air Coordinating Committee." wherever it appears in section 8.

AMENDMENTS TO ACT RELATING TO COAST GUARD AIDS TO NAVIGATION AND OCEAN STATIONS

SEC. 1404. [72 Stat. 808, 14 U.S.C. prec. 81, 82, 90(b)] The Act of August 4, 1949 (63 Stat. 495), as amended, is further amended by striking the words "Administrator of Civil Aeronautics" wherever they appear and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency", and by striking the words "Civil Aeronautics Administration" wherever they appear and inserting in lieu thereof the words "Federal Aviation Agency".

AMENDMENTS TO FEDERAL EXPLOSIVES ACT

SEC. 1405. [72 Stat. 808, 50 U.S.C. 123] The Act of November 24, 1942 (56 Stat. 1022), is amended by striking the words "Civil Aeronautics Board" and inserting in lieu thereof the words "Administrator of the Federal Aviation Agency".

AMENDMENTS TO FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT
OF 1949

SEC. 1406. [72 Stat. 808, 40 U.S.C. 474(14)] The Federal Property and Administrative Services Act of 1949, as amended, is further amended by striking the phrase "Administrator of Civil Aeronautics" in section 602(d) (40 U.S.C. 474(14)), and inserting in lieu thereof the phrase "Administrator of the Federal Aviation Agency".

AMENDMENTS TO ACT RELATING TO PURCHASE AND MANUFACTURE OF MATERIALS AND SUPPLIES

SEC. 1407. [72 Stat. 808, 31 U.S.C. 686(a)] The Act of March 4, 1915, as amended, (31 U.S.C. 686), is further amended by striking the phrase "Civil Aeronautics Administration" and inserting in lieu thereof the phrase "Federal Aviation Agency".

AMENDMENTS TO EXPERIMENTAL AIR MAIL ACT

SEC. 1408. [72 Stat. 808, 39 U.S.C. 470] The Act of April 15, 1938, as amended (39 U.S.C. 470), is further amended by striking the phrase "Civil Aeronautics Act of 1938" and inserting in lieu thereof the phrase "Federal Aviation Act of 1958".

AMENDMENTS TO TRANSPORTATION OF FOREIGN MAIL BY AIRCRAFT ACT

SEC. 1409. [72 Stat. 809, 49 U.S.C. 485a, 485b] The Act of August 27, 1940, as amended (49 U.S.C. 485a), is further amended by striking the phrase "Civil Aeronautics Act of 1938" and inserting in lieu thereof the phrase "Federal Aviation Act of 1958".

AMENDMENTS TO ACT RELATING TO TRANSPORTATION OF REGULAR MAIL TO ALASKA BY AIR

SEC. 1410. [72 Stat. 809, 39 U.S.C. 488a] The Act of October 14, 1940, as amended (39 U.S.C. 488a), is further amended by striking the phrase "Civil Aeronautics Act of 1938" and inserting in lieu thereof the phrase "Federal Aviation Act of 1958".

AMENDMENT TO PROVISION IN THE FEDERAL TRADE COMMISSION ACT

SEC. 1411. [72 Stat. 809, 15 U.S.C. 45(a)(6)] Section 5(a)(6) of the Act of September 26, 1914, as amended (15 U.S.C. 45), is further amended by striking the phrase "Civil Aeronautics Act of 1938" and inserting in lieu thereof the phrase "Federal Aviation Act of 1958".

TITLE XV—SAVING PROVISIONS AND EFFECTIVE DATE

EFFECT OF TRANSFERS, REPEALS, AND AMENDMENTS

Existing Rules, Regulations, Orders, and so forth

SEC. 1501. [72 Stat. 809, 49 U.S.C. 1301 note] (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, rates, and privileges which have been issued, made, or granted, or allowed to become effective, by the President, the Department of Commerce, the Secretary of Commerce, the Administrator of Civil Aeronautics, the Civil Aeronautics Board, the Airways Modernization Board, the Secretary of the Treasury, the Secretary of Agriculture, or the Postmaster General, or any court of competent jurisdiction, under any provision of law repealed or amended by this Act, or in the exercise of duties, powers, or functions which, under this Act, are vested in the Administrator of the Federal Aviation Agency or the Civil Aeronautics Board, and which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Administrator or the Board, as the case may be, or by any court of competent jurisdiction, or by operation of law.

Pending Administrative Proceedings

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before the Secretary of Commerce, the Administrator of Civil Aeronautics, the Civil Aeronautics Board, the Chairman of the Airways Modernization Board, the Secretary of the Treasury, or the Secretary of Agriculture; but any such proceedings shall be continued before the successor agency, orders therein issued, appeals therefrom taken, and payments made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Administrator, the Civil Aeronautics Board, the Secretary of the Treasury, or the Secretary of Agriculture or by operation of law.

Pending Judicial Proceedings

(c) The provisions of this Act shall not affect suits commenced prior to the date on which this section takes effect; and all such suits shall be continued by the successor agency, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States, in relation to the discharge of official duties, shall abate by reason of any transfer of authority, power, or duties from such agency or officer to the Administrator or the Board under the provisions of this Act, but the court, upon motion or supplemental petition filed at any time within twelve months, after such transfer, showing the necessity for a survival of such suit, action,

or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Administrator or the Board.

PERSONNEL, PROPERTY, AND APPROPRIATIONS

SEC. 1502. [72 Stat. 810, 49 U.S.C. 1341 note] (a) The officers, employees, and property (including office equipment and official records) of the Civil Aeronautics Administration of the Department of Commerce, and of the Airways Modernization Board, and such employees and property (including office equipment and official records) as the President, after consultation with the Civil Aeronautics Board, shall determine to have been employed by the Civil Aeronautics Board, in the exercise and performance of those powers and duties vested in and imposed upon it by the Civil Aeronautics Act of 1938, as amended, and which are vested by this Act in the Agency, shall be transferred to the Agency upon such date or dates as the President shall specify: *Provided*, That the transfer of such personnel shall be without reduction in classification or compensation, except that this requirement shall not operate after the end of the fiscal year during which such transfer is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned.

(b) Such of the unexpended balances of appropriations available for use by the Civil Aeronautics Administration of the Department of Commerce and by the Airways Modernization Board, and such of the unexpended balances of appropriations available for use by the Civil Aeronautics Board in the exercise and performance of those powers and duties vested in and imposed upon it by the Civil Aeronautics Act of 1938, as amended, and which are vested by this Act in the Administrator, shall be transferred to the Agency upon such date or dates as the President shall specify, and shall be available for use in connection with the exercise and performance of the powers and duties vested in and imposed upon the Administrator by this Act. Where provisions of this Act which are to be administered by the Board are in substance reenactments (with or without modifications) of provisions of the Civil Aeronautics Act of 1938, as amended, administered by the Board at the time this section takes effect, the Board, in carrying out such provisions of this Act, may utilize unexpended balances of appropriations made for carrying out such provisions of the Civil Aeronautics Act of 1938, as amended.

(c) All records transferred to the Administrator under this Act shall be available for use by him to the same extent as if such records were originally records of the Administrator.

MEMBERS, OFFICERS, AND EMPLOYEES OF THE BOARD

SEC. 1503. [72 Stat. 811, 49 U.S.C. 1321 note] Nothing in this Act (1) shall affect the tenure of office of any individual who is a member of the Civil Aeronautics Board at the time title IV of this Act takes effect, or to nullify any action theretofore taken by the President in designating any such person as chairman or vice chairman of the Board, or (2) subject to section 1502(a), change the status of the officers and employees under the jurisdiction of the Board at that time.

SEPARABILITY

SEC. 1504. [72 Stat, 811, 49 U.S.C. 1301 note] If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 1505. [72 Stat. 811, 49 U.S.C. 1301 note] The provisions of this Act shall become effective as follows:

(1) Section 301, section 302 (a), (b), (c), (f), (i), and (k), section 303 (a), section 304, and section 1502, shall become effective on the date of enactment of this Act; and

(2) The remaining provisions shall become effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this Act qualifies and takes office.¹³

¹³The first appointed Administrator qualified and took office on November 1, 1958. The remaining provisions of the Act became effective December 31, 1958.

INTERNATIONAL AVIATION FACILITIES ACT

[*Act of June 16, 1948, 62 Stat. 450; as amended by Act of August 10, 1949, 63 Stat. 591; and Act of August 23, 1958 (Federal Aviation Act, 72 Stat. 731.)*]

To encourage the development of an international air-transportation system adapted to the needs of the foreign commerce of the United States, of the postal service, and of the national defense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. [62 Stat. 450] This Act may be cited as the "International Aviation Facilities Act".

DEFINITIONS

SEC. 2. [62 Stat. 450, as amended by 72 Stat. 731, 49 U. S. C. 1151] For the purposes of this Act:

(1) The term "airport property" means any property, real or personal, or any interest therein, used or useful, directly or indirectly, in connection with the administration, operation, or maintenance of an airport, including but not limited to (1) land; (2) runways, strips, taxiways, and parking aprons; (3) buildings, structures, improvements, and facilities, whether or not used in connection with the landing and take-off of aircraft; and (4) equipment (including parts and components thereof), furniture, vehicles, and supplies.

(2) The term "airway property" means any property, real or personal, or any interest therein, used or useful, directly or indirectly, in connection with the administration, operation, or maintenance of any ground installation, facility, or equipment (including parts and components thereof) necessary or desirable for the orderly and safe operation of air traffic, including but not limited to air navigation, air-traffic control, airway communications, and meteorological facilities.

(3) The term "foreign territory" means any area of land or water over which no nation or a nation other than the United States exercises the incidents of sovereignty (including territory of undetermined sovereignty and the high seas), any area of land or water temporarily under military occupation by the United States, and any area of land or water occupied or administered by the United States or any other nation under any international agreement.

ESTABLISHMENT AND OPERATION, IN FOREIGN TERRITORY, OF FACILITIES RELATED TO AVIATION

SEC. 3. [62 Stat. 451, as amended by 72 Stat. 731, 49 U. S. C. 1152] Subject to concurrence of the Secretary of State, and with due regard

for the objectives of the International Civil Aviation Organization, the Administrator of the Federal Aviation Agency (hereinafter referred to as the "Administrator") and the Chief of the Weather Bureau of the Department of Commerce, within their respective fields, are authorized, by contract or otherwise, to acquire, establish, and construct airport property and airway property in foreign territory: *Provided, however*, That, except in the case of airport property transferred under section 8, no airport (as defined in section 1 of the Civil Aeronautics Act of 1938, as amended) may be acquired, established, or constructed under authority of this section unless funds for such purpose have been specifically appropriated by the Congress.

TRAINING OF FOREIGN NATIONALS IN AERONAUTICAL AND RELATED SUBJECTS

SEC. 4. [62 Stat. 451, 49 U. S. C. 1153] Subject to the concurrence of the Secretary of State, the Administrator and the Chief of the Weather Bureau, within their respective fields, are authorized within or outside the United States to train foreign nationals directly, or in conjunction with any other United States Government agency, or through any United States public or private agency (including any State or municipal educational institution), or through any international organization, in aeronautical and related subjects essential to the orderly and safe operation of civil aircraft.

ACCEPTANCE OF FUNDS FOR FACILITIES SUPPLIED OR SERVICES PERFORMED FOR A FOREIGN GOVERNMENT OR AN INTERNATIONAL ORGANIZATION

SEC. 5. [62 Stat. 451, 49 U. S. C. 1154] The Administrator and the Chief of the Weather Bureau, respectively, are authorized to accept, on behalf of the United States, funds from any foreign government or from any international organization as payment for any facilities supplied or services performed for such government or international organization by the Administrator or the Chief of the Weather Bureau, either directly or indirectly, under authority of this Act or the Civil Aeronautics Act of 1938, as amended, including the operation of airport property and airway property in such countries, the training of foreign nationals, the rendering of technical assistance and advice to such countries, and the performance of other similar services. Funds so received may be credited (A) to appropriations current at the time the expenditures are to be or have been paid, (B) to appropriations current at the time such amounts are received, or (C) in part as provided under clause (A) and in part as provided under clause (B).

TRANSFER OF AIRPORT PROPERTY OR AIRWAY PROPERTY TO A FOREIGN GOVERNMENT OR AN INTERNATIONAL ORGANIZATION

SEC. 6. [62 Stat. 452, as amended by 72 Stat. 731, 49 U. S. C. 1155] The Administrator or the Chief of the Weather Bureau, as the case may be, upon request of the foreign government involved or of any international organization, may transfer any airport property or airway property operated and maintained by him within foreign territory, pursuant to the provisions of this Act, to the foreign government involved or to any international organization. The Administrator or the Chief of the Weather Bureau, as the case may be,

is authorized to make such transfer upon such terms and conditions as he deems proper, including provision for receiving, on behalf of the United States, such payment or other consideration for the property so transferred as may be agreed upon through negotiations with the foreign government or international organization involved.

FACILITIES, SERVICE, AND PROPERTY IN THE CANAL ZONE AND IN THE
REPUBLIC OF PANAMA

SEC. 7. [62 Stat. 452, as amended by 63 Stat. 591, 49 U. S. C. 1156]

(a) Subject to the approval of the Secretary of Defense, the Administrator is authorized to provide air navigation, communications, and air traffic control facilities and services in the Canal Zone and the Republic of Panama and to do all things necessary in connection with the operation and maintenance thereof.

(b) In exercising and performing his powers and duties under this section, the Administrator shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Panama.

(c) Any department of the Defense Department is authorized in its discretion to transfer without charge therefor to the Administrator any airport property or airway property or other real or personal property which (1) is located in the Canal Zone or the Republic of Panama, and (2) is determined by the Administrator to be, or likely to become, useful in carrying out the purposes of this Act.

(d) The authority conferred by this section may be exercised without regard to sections 3 and 8 (a) of this Act.

TRANSFER OF CERTAIN PROPERTY FROM THE NATIONAL MILITARY ESTABLISHMENT TO THE ADMINISTRATOR OR THE WEATHER BUREAU

SEC. 8. [62 Stat. 452, as amended by 72 Stat. 731, 49 U. S. C. 1157]

(a) When considered consistent with the needs of national defense, and subject to such conditions, if any, as may be agreed upon in specific cases between the parties, any department of the Defense Department is authorized to transfer at its discretion to the Administrator, without charge therefor, airport property and airway property, exclusive of meteorological facilities, installed by or in the possession of such department in territory (including Alaska) outside the continental limits of the United States, which such department has found to be no longer required exclusively for military purposes and which in the opinion of the Administrator are, or are likely to become, necessary for carrying out the purposes of this Act.

(b) When considered consistent with the needs of national defense, and subject to such conditions, if any, as may be agreed upon in specific cases between the parties, any department of the Defense Department is authorized to transfer at its discretion to the Chief of the Weather Bureau without charge therefor, meteorological facilities installed by or in the possession of such department in territory (including Alaska) outside the continental limits of the United States, which such department has found to be no longer required exclusively for military purposes, and which, in the opinion of the Chief of the Weather Bureau are, or are likely to become, necessary for carrying

out the purposes of this Act. Transfer of property in foreign territory shall be made hereunder only after consultation with the Air Coordinating Committee.

(c) All property transferred to the Department of Commerce under the provisions of Executive Order 9709, dated March 29, 1946, and Executive Order 9797, dated November 6, 1946, and which is in the possession of the Department of Commerce on the date of the enactment of this Act shall be considered as property transferred pursuant to this section.

AUTHORITY TO RETAKE PROPERTY TRANSFERRED UNDER SECTION 7 OR 8

SEC. 9. [62 Stat. 453, 49 U. S. C. 1158] When necessary to meet military requirements, as determined by the Secretary of the department which made the transfer, such department is authorized immediately to retake any property transferred under section 7 or section 8, together with any improvements or additions made thereto: *Provided*, That the Secretary of such department, upon the recommendation of the Administrator or the Chief of the Weather Bureau, as the case may be, is authorized in any case to waive any right or privilege conferred or reserved by this section. In the event property is retaken which incorporates improvements or additions not made at Government expense, reasonable compensation shall be paid to the person or persons who made such improvements or additions, or to their successors in interest. The Secretary of the department which made the transfer, or his duly authorized representative, shall determine, for purposes of this section, what is reasonable compensation for such improvements or additions.

POWERS OF ADMINISTRATOR AND CHIEF OF WEATHER BUREAU WITH RESPECT TO CERTAIN AIRPORT PROPERTY AND AIRWAY PROPERTY

SEC. 10. [62 Stat. 453, 49 U. S. C. 1159] (a) With regard to airport property and airway property in territory (including Alaska) outside the continental limits of the United States which he has acquired pursuant to this Act or any other provision of law, the Administrator is empowered and directed to do and perform, by contract or otherwise, all acts and things necessary or incident to their consolidation, operation, protection, maintenance, improvement, and administration, including but not limited to the power (1) to adapt, from time to time, such properties to the needs of civil aeronautics by construction, installation, reengineering, relocation, or otherwise; (2) to make and amend such reasonable rules and regulations as he may deem necessary to the proper exercise of the powers granted by this section; (3) to lease under such conditions as he may deem proper and for such periods as may be desirable (not to exceed twenty years) space or property for purposes essential or appropriate to their consolidation, operation, protection, and administration under this Act; (4) to contract for, or to provide directly for, the sale of fuel, oil, equipment, food and supplies, hotel accommodations, and other facilities and services necessary or desirable for the operation and administration of such properties; (5) to make just and reasonable charges for aeronautical services (including but not limited to landing fees and fees

for the use of communication services); and (6) to acquire, by purchase or otherwise, real or personal property, or interests therein, which he may consider necessary for the purposes of this section. Any person who knowingly and willfully violates any rule or regulation issued by the Administrator under clause (2) of this section, if such violation is committed in any area under the civil jurisdiction of the United States, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500 or to imprisonment not exceeding six months, or to both such fine and imprisonment.

(b) With regard to meteorological facilities in territory (including Alaska) outside the continental limits of the United States which he has acquired pursuant to this Act or any other provision of law, the Chief of the Weather Bureau is vested with all powers to consolidate, operate, protect, maintain, improve, and administer granted the Administrator by subsection (a) with respect to facilities the latter has acquired.

(c) All funds received under this section, as a result of direct sale or charge by the Administrator or the Chief of the Weather Bureau and which, in the judgment of the Administrator or the Chief of the Weather Bureau, as the case may be, are equivalent to the cost, including handling charges, of the fuel, oil, equipment, food, supplies, services, shelter, or other assistance or services sold or furnished shall be credited to the appropriation from which the cost thereof was paid, and the balance, if any, shall be credited to miscellaneous receipts.

(d) The provisions of section 3709 of the Revised Statutes, as amended (41 U. S. C. 5), shall not apply to any of the leases or contracts made by the Administrator or the Chief of the Weather Bureau pursuant to the provisions of this Act.

UTILIZATION OF FACILITIES AND SERVICES OF OTHER GOVERNMENT AGENCIES

SEC. 11. [62 Stat. 454, as amended by 72 Stat. 731, 49 U. S. C. 1160] The Administrator and the Chief of the Weather Bureau are authorized and directed, in carrying out the provisions of this Act, insofar as they find it practicable, to arrange for the use of appropriate facilities or services of other United States Government agencies, and to reimburse any such agency for such service out of funds appropriated to the Federal Aviation Agency of the Weather Bureau, as the case may be, to the end that personnel and facilities of existing United States Government agencies shall be utilized to the fullest possible advantage and not be unnecessarily duplicated. Any agency of the United States Government receiving any such request is hereby authorized to furnish such facilities or to perform such services.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 12. [62 Stat. 454] There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

NATIONAL AERONAUTICS AND SPACE ACT OF 1958

[Act of July 29, 1958, 72 Stat. 426]

AN ACT

To provide for research into problems of flight within and outside the earth's atmosphere, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**TITLE I—SHORT TITLE, DECLARATION OF POLICY,
AND DEFINITIONS****SHORT TITLE**

SEC. 101. [72 Stat. 426, 42 U.S.C. 2451 note] This Act may be cited as the "National Aeronautics and Space Act of 1958".

DECLARATION OF POLICY AND PURPOSE

SEC. 102. [72 Stat. 426, 42 U.S.C. 2451] (a) The Congress hereby declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.

(b) The Congress declares that the general welfare and security of the United States require that adequate provision be made for aeronautical and space activities. The Congress further declares that such activities shall be the responsibility of, and shall be directed by, a civilian agency exercising control over aeronautical and space activities sponsored by the United States, except that activities peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States (including the research and development necessary to make effective provision for the defense of the United States) shall be the responsibility of, and shall be directed by, the Department of Defense; and that determination as to which such agency has responsibility for and direction of any such activity shall be made by the President in conformity with section 201(e).

(c) The aeronautical and space activities of the United States shall be conducted so as to contribute materially to one or more of the following objectives:

(1) The expansion of human knowledge of phenomena in the atmosphere and space;

(2) The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles;

(3) The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space;

(4) The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes;

(5) The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere;

(6) The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency;

(7) Cooperation by the United States with other nations and groups of nations in work done pursuant to this Act and in the peaceful application of the results thereof; and

(8) The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

(d) It is the purpose of this Act to carry out and effectuate the policies declared in subsections (a), (b), and (c).

Definitions

SEC. 103. [72 Stat. 427, 42 U.S.C. 2452] As used in this Act—

(1) the term "aeronautical and space activities" means (A) research into, and the solution of, problems of flight within and outside the earth's atmosphere, (B) the development, construction, testing, and operation for research purposes of aeronautical and space vehicles, and (C) such other activities as may be required for the exploration of space; and

(2) the term "aeronautical and space vehicles" means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

TITLE II—COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES

NATIONAL AERONAUTICS AND SPACE COUNCIL

SEC. 201. [72 Stat. 427, 42 U.S.C. 2471] (a) There is hereby established the National Aeronautics and Space Council (hereinafter called the "Council") which shall be composed of—

(1) the President (who shall preside over meetings of the Council);

(2) the Secretary of State;

(3) the Secretary of Defense;

(4) the Administrator of the National Aeronautics and Space Administration;

(5) the Chairman of the Atomic Energy Commission;

(6) not more than one additional member appointed by the President from the departments and agencies of the Federal Government; and

(7) not more than three other members appointed by the President, solely on the basis of established records of distinguished achievement, from among individuals in private life who are eminent in science, engineering, technology, education, administration, or public affairs.

(b) Each member of the Council from a department or agency of the Federal Government may designate another officer of his department or agency to serve on the Council as his alternate in his unavoidable absence.

(c) Each member of the Council appointed or designated under paragraphs (6) and (7) of subsection (a), and each alternate member designated under subsection (b), shall be appointed or designated to serve as such by and with the advice and consent of the Senate, unless at the time of such appointment or designation he holds an office in the Federal Government to which he was appointed by and with the advice and consent of the Senate.

(d) It shall be the function of the Council to advise the President with respect to the performance of the duties prescribed in subsection (e) of this section.

(e) In conformity with the provisions of section 102 of this Act, it shall be the duty of the President to—

(1) survey all significant aeronautical and space activities, including the policies, plans, programs, and accomplishments of all agencies of the United States engaged in such activities;

(2) develop a comprehensive program of aeronautical and space activities to be conducted by agencies of the United States;

(3) designate and fix responsibility for the direction of major aeronautical and space activities;

(4) provide for effective cooperation between the National Aeronautics and Space Administration and the Department of Defense in all such activities, and specify which of such activities may be carried on concurrently by both such agencies notwithstanding the assignment of primary responsibility therefor to one or the other of such agencies; and

(5) resolve differences arising among departments and agencies of the United States with respect to aeronautical and space activities under this Act, including differences as to whether a particular project is an aeronautical and space activity.

(f) The Council may employ a staff to be headed by a civilian executive secretary who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of \$20,000 a year. The executive secretary, subject to the direction of the Council, is authorized to appoint and fix the compensation of such personnel, including not more than three persons who may be appointed without regard to the civil service laws or the Classification Act of 1949 and compensated at the rate of not more than \$19,000 a year, as may be necessary to perform such duties as may

be prescribed by the Council in connection with the performance of its functions. Each appointment under this subsection shall be subject to the same security requirements as those established for personnel of the National Aeronautics and Space Administration appointed under section 203(b)(2) of this Act.

(g) Members of the Council appointed from private life under subsection (a) (7) may be compensated at a rate not to exceed \$100 per diem, and may be paid travel expenses and per diem in lieu of subsistence in accordance with the provisions of section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) relating to persons serving without compensation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 202. [72 Stat. 429, 42 U.S.C. 2472] (a) There is hereby established the National Aeronautics and Space Administration (hereinafter called the "Administration"). The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$22,500 per annum. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate, shall receive compensation at the rate of \$21,500 per annum, and shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during his absence or disability.

(c) The Administrator and the Deputy Administrator shall not engage in any other business, vocation, or employment while serving as such.

FUNCTIONS OF THE ADMINISTRATION

SEC. 203. [72 Stat. 429, 42 U.S.C. 2473] (a) The Administration, in order to carry out the purpose of this Act, shall—

(1) plan, direct, and conduct aeronautical and space activities;

(2) arrange for participation by the scientific community in planning scientific measurements and observations to be made through use of aeronautical and space vehicles, and conduct or arrange for the conduct of such measurements and observations; and

(3) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof.

(b) In the performance of its functions the Administration is authorized—

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law;

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint and fix the compensation (up to a limit of \$19,000 a year, or up to a limit of \$21,000 a year for a maximum of ten positions) of not more than two hundred and sixty of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and (B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, he may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grades higher than the grade provided for such personnel under the General Schedule established by the Classification Act of 1949, and fix their compensation accordingly;

(3) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States; to lease to others such real and personal property; to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.); and to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor;

(4) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(5) without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this Act, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration;

(6) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursements, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services,

equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment;

(7) to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration in the performance of its functions;

(8) to establish within the Administration such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this Act with related scientific and other activities being carried on by other public and private agencies and organizations;

(9) to obtain services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed \$100 per diem for individuals;

(10) when determined by the Administrator to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens;

(11) to employ retired commissioned officers of the armed forces of the United States and compensate them at the rate established for the positions occupied by them within the Administration, subject only to the limitations in pay set forth in section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a);

(12) with the approval of the President, to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the appropriate Secretary for services in the performance of functions under this Act to the same extent as that to which they might be lawfully assigned in the Department of Defense; and

(13) (A) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions as specified in subsection (a) of this section, where such claim is presented to the Administration in writing within two years after the accident or incident out of which the claim arises; and

(B) if the Administration considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this paragraph, to report the facts and circumstances thereof to the Congress for its consideration.

CIVILIAN-MILITARY LIAISON COMMITTEE

SEC. 204. [72 Stat. 431, 42 U.S.C. 2474] There shall be a Civilian-Military Liaison Committee consisting of—

(1) a Chairman, who shall be the head thereof and who shall be appointed by the President, shall serve at the pleasure of the President, and shall receive compensation (in the manner provided in subsection (d)) at the rate of \$20,000 per annum;

(2) one or more representatives from the Department of Defense, and one or more representatives from each of the Departments of the Army, Navy, and Air Force, to be assigned by the Secretary of Defense to serve on the Committee without additional compensation; and

(3) representatives from the Administration, to be assigned by the Administrator to serve on the Committee without additional compensation, equal in number to the number of representatives assigned to serve on the Committee under paragraph (2).

(b) The Administration and the Department of Defense, through the Liaison Committee, shall advise and consult with each other on all matters within their respective jurisdictions relating to aeronautical and space activities and shall keep each other fully and currently informed with respect to such activities.

(c) If the Secretary of Defense concludes that any request, action, proposed action, or failure to act on the part of the Administrator is adverse to the responsibilities of the Department of Defense, or the Administrator concludes that any request, action, proposed action, or failure to act on the part of the Department of Defense is adverse to the responsibilities of the Administration, and the Administrator and the Secretary of Defense are unable to reach an agreement with respect thereto, either the Administrator or the Secretary of Defense may refer the matter to the President for his decision (which shall be final) as provided in section 201(e).

(d) Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Liaison Committee without prejudice to his active or retired status as such officer. The compensation received by any such officer for his service as Chairman of the Liaison Committee shall be equal to the amount (if any) by which the compensation fixed by subsection (a) (1) for such Chairman exceeds his pay and allowances (including special and incentive pays) as an active officer, or his retired pay.

INTERNATIONAL COOPERATION

SEC. 205. [72 Stat. 432, 42 U.S.C. 2475] The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

REPORTS TO THE CONGRESS

SEC. 206. [72 Stat. 432, 42 U.S.C. 2476] (a) The Administration shall submit to the President for transmittal to the Congress, semi-annually and at such other times as it deems desirable, a report of its activities and accomplishments.

(b) The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the programmed activities and the accomplishments of all agencies of the United States in the field of aeronautics and space activities during the preceding calendar year, and (2) an evaluation of such activities and accomplishments in terms of the attainment of, or the failure to attain, the objectives described in section 102(c) of this Act.

(c) Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable for the attainment of the objectives described in section 102 (c) of this Act.

(d) No information which has been classified for reasons of national security shall be included in any report made under this section, unless such information has been declassified by, or pursuant to authorization given by, the President.

TITLE III—MISCELLANEOUS

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

SEC. 301. (a) [72 Stat. 432, 42 U.S.C. 2472 note] The National Advisory Committee for Aeronautics, on the effective date of this section, shall cease to exist. On such date all functions, powers, duties, and obligations, and all real and personal property, personnel (other than members of the Committee), funds, and records of that organization, shall be transferred to the Administration.

(b) [72 Stat. 432, 10 U.S.C. 2302, 2303 (a) (5)] Section 2302 of title 10 of the United States Code is amended by striking out "or the Executive Secretary of the National Advisory Committee for Aeronautics." and inserting in lieu thereof "or the Administrator of the National Aeronautics and Space Administration."; and section 2303 of such title 10 is amended by striking out "The National Advisory Committee for Aeronautics." and inserting in lieu thereof "The National Aeronautics and Space Administration."

(c) [72 Stat. 432, 5 U.S.C. 22-1] The first section of the Act of August 26, 1950 (5 U.S.C. 22-1), is amended by striking out "the Director, National Advisory Committee for Aeronautics" and inserting in lieu thereof "the Administrator of the National Aeronautics and Space Administration", and by striking out "or National Advisory Committee for Aeronautics" and inserting in lieu thereof "or National Aeronautics and Space Administration".

(d) [72 Stat. 433, 50 U.S.C. 511-513, 515] The Unitary Wind Tunnel Plan Act of 1949 (50 U.S.C. 511-515) is amended (1) by striking out "The National Advisory Committee for Aeronautics (hereinafter referred to as the 'Committee')" and inserting in lieu thereof "The Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the 'Administrator')"; (2) by striking out "Committee" or "Committee's" wherever they appear and inserting in lieu thereof "Administrator" and "Administrator's", respectively; and (3) by striking out "its" wherever it appear and inserting in lieu thereof "his".

(e) [72 Stat. 433, 10 U.S.C. 2302 note] This section shall take effect ninety days after the date of the enactment of this Act, or on any earlier date on which the Administrator shall determine, and announce by proclamation published in the Federal Register, that the Administration has been organized and is prepared to discharge the duties and exercise the powers conferred upon it by this Act.

TRANSFER OF RELATED FUNCTIONS

SEC. 302. [72 Stat. 433, 42 U.S.C. 2453] (a) Subject to the provisions of this section, the President for a period of four years after

the date of enactment of this Act, may transfer to the Administration any functions (including powers, duties, activities, facilities, and parts of functions) of any other department or agency of the United States, or of any officer or organizational entity thereof, which relate primarily to the functions, powers, and duties of the Administration as prescribed by section 203 of this Act. In connection with any such transfer, the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds.

(b) Whenever any such transfer is made before January 1, 1959, the President shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a full and complete report concerning the nature and effect of such transfer.

(c) After December 31, 1958, no transfer shall be made under this section until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without the adoption by the Congress of a concurrent resolution stating that the Congress does not favor such transfer.

ACCESS TO INFORMATION

SEC. 303. [72 Stat. 433, 42 U.S.C. 2454] Information obtained or developed by the Administrator in the performance of his functions under this Act shall be made available for public inspection, except (A) information authorized or required by Federal statute to be withheld, and (B) information classified to protect the national security: *Provided*, That nothing in this Act shall authorize the withholding of information by the Administrator from the duly authorized committees of the Congress.

SECURITY

SEC. 304. (a) [72 Stat. 433, 42 U.S.C. 2455] The Administrator shall establish such security requirements, restrictions, and safeguards as he deems necessary in the interest of the national security. The Administrator may arrange with the Civil Service Commission for the conduct of such security or other personnel investigations of the Administration's officers, employees, and consultants, and its contractors and subcontractors and their officers and employees, actual or prospective, as he deems appropriate; and if any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Administrator.

(b) [72 Stat. 433, 42 U.S.C. 2455] The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under subsection 145b of the Atomic Energy Act of 1954 (42 U.S.C. 2165(b)), to permit any member, officer, or employee of the Council, or the Adminis-

trator, or any officer, employee, member of an advisory committee, contractor, subcontractor, or officer or employee of a contractor or subcontractor of the Administration, to have access to Restricted Data relating to aeronautical and space activities which is required in the performance of his duties and so certified by the Council or the Administrator, as the case may be, but only if (1) the Council or Administrator or designee thereof has determined, in accordance with the established personnel security procedures and standards of the Council or Administration, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Council or Administrator or designee thereof finds that the established personnel and other security procedures and standards of the Council or Administration are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165). Any individual granted access to such Restricted Data pursuant to this subsection may exchange such Data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the armed forces, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of section 143 of the Atomic Energy Act of 1954 (42 U.S.C. 2163).

(c) Chapter 37 of title 18 of the United States Code (entitled Espionage and Censorship) is amended by—

(1) [72 Stat. 434, 18 U.S.C. 799] adding at the end thereof the following new section :

“§ 799. Violation of regulations of National Aeronautics and Space Administration

“Whoever willfully shall violate, attempt to violate, or conspire to violate any regulation or order promulgated by the Administrator of the National Aeronautics and Space Administration for the protection or security of any laboratory, station, base or other facility, or part thereof, or any aircraft, missile, spacecraft, or similar vehicle, or part thereof, or other property or equipment in the custody of the Administration, or any real or personal property or equipment in the custody of any contractor under any contract with the Administration or any subcontractor of any such contractor, shall be fined not more than \$5,000, or imprisoned not more than one year, or both.”

(2) [72 Stat. 434, 18 U.S.C. prec. § 791] adding at the end of the sectional analysis thereof the following new item:

“799. Violation of regulations of National Aeronautics and Space Administration.”

(d) [72 Stat. 434, 18 U.S.C. 1114] Section 1114 of title 18 of the United States Code is amended by inserting immediately before “while engaged in the performance of his official duties” the following: “or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration.”

(e) [72 Stat. 435, 42 U.S.C. 2456] The Administrator may direct such of the officers and employees of the Administration as he deems

necessary in the public interest to carry firearms while in the conduct of their official duties. The Administrator may also authorize such of those employees of the contractors and subcontractors of the Administration engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as he deems necessary in the public interest, to carry firearms while in the conduct of their official duties.

PROPERTY RIGHTS IN INVENTIONS

SEC. 305. [72 Stat. 435, 42 U.S.C. 2457] (a) Whenever any invention is made in the performance of any work under any contract of the Administration, and the Administrator determines that—

(1) the person who made the invention was employed or assigned to perform research, development, or exploration work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research, development, or exploration work, but the invention is nevertheless related to the contract, or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1), such invention shall be the exclusive property of the United States, and if such invention is patentable a patent therefor shall be issued to the United States upon application made by the Administrator, unless the Administrator waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (f) of this section.

(b) Each contract entered into by the Administrator with any party for the performance of any work shall contain effective provisions under which such party shall furnish promptly to the Administrator a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

(c) No patent may be issued to any applicant other than the Administrator for any invention which appears to the Commissioner of Patents to have significant utility in the conduct of aeronautical and space activities unless the applicant files with the Commissioner, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any work under any contract of the Administration. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner to the Administrator.

(d) Upon any application as to which any such statement has been transmitted to the Administrator, the Commissioner may, if the in-

vention is patentable, issue a patent to the applicant unless the Administrator, within ninety days after receipt of such application and statement, requests that such patent be issued to him on behalf of the United States. If, within such time, the Administrator files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall issue such patent to the Administrator unless the applicant within thirty days after receipt of such notice requests a hearing before a Board of Patent Interferences on the question whether the Administrator is entitled under this section to receive such patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Administrator to the Court of Customs and Patent Appeals in accordance with procedures governing appeals from decisions of the Board of Patent Interferences in other proceedings.

(e) Whenever any patent has been issued to any applicant in conformity with subsection (d), and the Administrator thereafter has reason to believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Administrator within five years after the date of issuance of such patent may file with the Commissioner a request for the transfer to the Administrator of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so transferred to the Administrator unless within thirty days after receipt of such notice such owner of record requests a hearing before a Board of Patent Interferences on the question whether any such false representation was contained in such statement. Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (d) for questions arising thereunder. No request made by the Administrator under this subsection for the transfer of title to any patent, and no prosecution for the violation of any criminal statute, shall be barred by any failure of the Administrator to make a request under subsection (d) for the issuance of such patent to him, or by any notice previously given by the Administrator stating that he had no objection to the issuance of such patent to the applicant therefor.

(f) Under such regulations in conformity with this subsection as the Administrator shall prescribe, he may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, nontransferrable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government

pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Administrator within the Administration. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Administrator its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

(g) The Administrator shall determine, and promulgate regulations specifying, the terms and conditions upon which licenses will be granted by the Administration for the practice by any person (other than an agency of the United States) of any invention for which the Administrator holds a patent on behalf of the United States.

(h) The Administrator is authorized to take all suitable and necessary steps to protect any invention or discovery to which he has title, and to require that contractors or persons who retain title to inventions or discoveries under this section protect the inventions or discoveries to which the Administration has or may acquire a license of use.

(i) The Administration shall be considered a defense agency of the United States for the purpose of chapter 17 of title 35 of the United States Code.

(j) As used in this section—

(1) the term "person" means any individual, partnership, corporation, association, institution, or other entity;

(2) the term "contract" means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder; and

(3) the term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

CONTRIBUTIONS AWARDS

SEC. 306. [72 Stat. 437, 42 U.S.C. 2458] (a) Subject to the provisions of this section, the Administrator is authorized, upon his own initiative or upon the applications of any person, to make a monetary award, in such amount and upon such terms as he shall determine to be warranted, to any person (as defined by section 305) for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities. Each application made for any such award shall be referred to the Inventions and Contributions Board established under section 305 of this Act. Such Board shall accord to each such applicant an opportunity for hearing upon such application, and shall transmit to the Administrator its recommendation as to the terms of the award, if any, to be made to such applicant for such contributions. In determining the terms and conditions of any award the Administrator shall take into account—

(1) the value of the contribution to the United States;

(2) the aggregate amount of any sums which have been expended by the applicant for the development of such contribution;

(3) the amount of any compensation (other than salary received for services rendered as an officer or employee of the Gov-

ernment) previously received by the applicant for or on account of the use of such contribution by the United States; and

(4) such other factors as the Administrator shall determine to be material.

(b) If more than one applicant under subsection (a) claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interests of such applicants, and shall apportion any award to be made with respect to such contribution among such applicants in such proportions as he shall determine to be equitable. No award may be made under subsection (a) with respect to any contribution—

(1) unless the applicant surrenders, by such means as the Administrator shall determine to be effective, all claims which such applicant may have to receive any compensation (other than the award made under this section) for the use of such contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any treaty or agreement with the United States, within the United States or at any other place;

(2) in any amount exceeding \$100,000, unless the Administrator has transmitted to the appropriate committees of the Congress a full and complete report concerning the amount and terms of, and the basis for such proposed award, and thirty calendar days of regular session of the Congress have expired after receipt of such report by such committees.

APPROPRIATIONS

SEC. 307. [72 Stat. 438, 42 U.S.C. 2459] (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, except that nothing in this Act shall authorize the appropriation of any amount for (1) the acquisition or condemnation of any real property, or (2) any other item of a capital nature (such as plant or facility acquisition, construction, or expansion) which exceeds \$250,000. Sums appropriated pursuant to this subsection for the construction of facilities, or for research and development activities, shall remain available until expended.

(b) Any funds appropriated for the construction of facilities may be used for emergency repairs of existing facilities when such existing facilities are made inoperative by major breakdown, accident, or other circumstances and such repairs are deemed by the Administrator to be of greater urgency than the construction of new facilities.

CRIMES IN FLIGHT OVER THE HIGH SEAS

[Provision in Title 18, United States Code, 62 Stat. 685 as amended by Act of July 12, 1952, 66 Stat. 589]

PART 1.—CRIMES

CHAPTER 1.—GENERAL PROVISIONS

§ 7. SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES DEFINED

The term "special maritime and territorial jurisdiction of the United States," as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(2) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line.

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

(4) Any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

(5) Any aircraft belonging in whole or in part to the United States, or any citizen thereof, or to any corporation created by or under the laws of the United States, or any State, Territory, district, or possession thereof, while such aircraft is in flight over the high seas, or over any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

WILLFUL DAMAGING OF AIRCRAFT

[*Act of July 14, 1956, 70 Stat. 538*]

AN ACT

To punish the willful damaging or destroying of aircraft or motor vehicles, and their facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended by inserting immediately after section 14 thereof the following new chapter:

CHAPTER 2.—AIRCRAFT AND MOTOR VEHICLES

SEC.

- 31. Definitions.
- 32. Destruction of aircraft or aircraft facilities.
- 33. Destruction of motor vehicles or motor vehicle facilities.
- 34. Penalty when death results.
- 35. Imparting or conveying false information.

§ 31. Definitions

When used in this chapter the term—

“Aircraft engine”, “air navigation facility”, “appliance”, “civil aircraft”, “foreign air commerce”, “interstate air commerce”, “landing area”, “overseas air commerce”, “propeller”, and “spare part” shall have the meaning ascribed to those terms in the Civil Aeronautics Act of 1938, as amended.

“Motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, or passengers and property;

“Destructive substance” means any explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature; and

“Used for commercial purposes” means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

§ 32. Destruction of aircraft or aircraft facilities

Whoever willfully sets fire to, damages, destroys, disables, or wrecks any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce; or

Whoever willfully sets fire to, damages, destroys, disables, or wrecks any aircraft engine, propeller, appliance, or spare part with intent to damage, destroy, disable, or wreck any such aircraft; or

Whoever, with like intent, willfully places or causes to be placed any destructive substance in, upon, or in proximity to any such aircraft, or any aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material used or intended to be used in connection with the operation of any such aircraft, or any cargo carried or intended to be carried on any such aircraft, or otherwise makes or causes to be made any such aircraft, aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material unworkable or unusable or hazardous to work or use; or

Whoever, with like intent, willfully sets fire to, damages, destroys, disables, or wrecks, or places or causes to be placed any destructive substance in, upon, or in proximity to any shop, supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus used or intended to be used in connection with the operation, loading, or unloading of any such aircraft or making any such aircraft ready for flight, or otherwise makes or causes to be made any such shop, supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus unworkable or unusable or hazardous to work or use; or

Whoever, with like intent, willfully incapacitates any member of the crew of any such aircraft; or

Whoever willfully attempts to do any of the aforesaid acts or things—

shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

§ 33. Destruction of motor vehicles or motor vehicle facilities

Whoever willfully, with intent to endanger the safety of any person on board or anyone who he believes will board the same, or with a reckless disregard for the safety of human life, damages, disables, destroys, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to, any motor vehicle which is used, operated, or employed in interstate or foreign commerce, or its cargo or material used or intended to be used in connection with its operation; or

Whoever willfully, with like intent, damages, disables, destroys, sets fire to, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, motor vehicles engaged in interstate or foreign commerce or otherwise makes or causes such property to be made unworkable, unusable, or hazardous to work or use; or

Whoever, with like intent, willfully disables or incapacitates any driver or person employed in connection with the operation or maintenance of the motor vehicle, or in any way lessens the ability of such person to perform his duties as such; or

Whoever willfully attempts to do any of the aforesaid acts—

shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

§ 34. Penalty when death results

Whoever is convicted of any crime prohibited by this chapter, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order.

§ 35. Imparting or conveying false information

Whoever willfully imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title—

shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

SEC. 2. The part analysis preceding chapter 1 of title 18, United States Code, is amended by inserting between chapters 1 and 3 the following item:

2. Aircraft and motor vehicles..... 31

U.S.S.R.

PRELIMINARY

According to the latest available information,¹ a new codification of U.S.S.R. air law is under discussion. Many sections of the U.S.S.R. Air Code of 1935 are obsolete and, although not expressly repealed, have been replaced by departmental regulations and directives. This is true particularly with respect to the contract of carriage by air of passengers, luggage and cargo.

AIR CODE OF THE U.S.S.R. OF AUGUST 7, 1935² No. 14/1713

CHAPTER I—GENERAL PRINCIPLES

Sec. 1. The U.S.S.R. shall have complete and exclusive sovereignty over the airspace of the U.S.S.R.

The airspace of the U.S.S.R. shall be deemed to be the airspace above the land and water territory of the U.S.S.R. and above such area of the coastal waters as determined by the laws of the U.S.S.R.

Sec. 2. The Air Code of the U.S.S.R. shall be in force within the boundaries of the land and water territory of the U.S.S.R., in the area of the coastal waters as determined by the laws of the U.S.S.R., and in the airspace of the U.S.S.R.

Sec. 3. The effect of the following sections of this Code shall extend to all kinds of aviation and aeronautics, with the exception of the air fleet included in the Armed Forces.

Sec. 4. The civil air fleet of the U.S.S.R. shall be used for the following purposes:

a) air transportation (carriage by air of passengers, luggage, cargo and mail);

b) rendering service to agriculture and forestry, as well as other branches of the national economy of the U.S.S.R. (sowing from aircraft, fight of plant pests, aerial forest survey, air warden service, rendering service to fishery, game and trapping, etc.);

c) scientific research work;

d) geodesy and cartography (air photography);

e) medical and sanitary service (first medical aid, malaria fight, etc.);

f) cultural and educational, as well as sport purposes (service for economic and political campaigns, aeroclubs and the like).

Sec. 5. The planning of the entire civil aviation and civil aeronautics, with the exception of those under the jurisdiction of the Main

¹ M. Anliants, *Kodifikatsiia sovetskogo vozdushnogo prava* (The Codification of Soviet Air Law).

Sotsialisticheskaiia Zakonnost' (Socialist Legality), No. 10, 1959, pp. 46-49. This legal periodical is the official publication of the Federal Attorney General of the U.S.S.R.

² Published in U.S.S.R. Laws 1935, No. 43, Text 359b).

Administration of the Northern Sea Route, shall be carried out by the Main Administration for Civil Aviation attached to the Council of People's Commissars³ of the U.S.S.R., on the basis of the statute concerning the latter.

The Main Administration for Civil Aviation (Glavnoe Upravlenie Grazhdanskogo Vozdushnogo Flota) shall supervise the entire civil aviation and civil aeronautics, independently of the jurisdiction to which they are subject, and shall, in implementation of this Code, issue rules regulating civil aviation and civil aeronautics, this shall apply to all offices, enterprises, organizations and citizens.

Sec. 6. The civil air fleet of the U.S.S.R. shall be assigned a uniform flag in accordance with the description and picture appended hereto (see Appendix).

CHAPTER II—CIVIL AIRCRAFT

Sec. 7. All flying devices (both lighter and heavier than air) designed for air traffic, with the exception of flying devices of the Armed Forces shall be considered civil aircraft.

Sec. 8. The basic agency in which the full authority over the civil air fleet owned by the U.S.S.R. is concentrated shall be the Main Administration for Civil Aviation attached to the Council of People's Commissars⁴ of the U.S.S.R.

For the purpose of the development of the Arctic and the districts of the Far North a separate civil air fleet shall be detached under the authority of the Northern Sea Route attached to the Council of People's Commissars⁵ of the U.S.S.R.

By permission of the U.S.S.R. government or of the Main Administration for Civil Aviation, other government agencies, co-operative and other organizations may have civil aircraft under their authority for the purpose of carrying out their tasks.

Individual citizens may possess civil aircraft for their own use by permission of the Main Administration for Civil Aviation.

Sec. 9. The Main Administration for Civil Aviation shall keep a register of civil aircraft of the U.S.S.R. All civil aircraft present in the U.S.S.R. and belonging to government agencies, co-operative and other organizations, and individual citizens, must be entered in the register.

Upon entering of the aircraft in the register of civil aircraft, the Main Administration for Civil Aviation shall issue a registration certificate.

In application of a pertinent treaty civil aircraft entered in the register of another State and making regular international flights in the airspace of the U.S.S.R. may, by way of exception, be exempted from being entered in the register of the U.S.S.R.

Civil aircraft entered in the register of some other State and making only occasional international flights in the airspace of the U.S.S.R., shall not be entered in the register of the U.S.S.R.

Sec. 10. Whenever a civil aircraft, previously registered in a register of aircraft of some other foreign State, is registered in the U.S.S.R. register, the entry in the former shall not be recognized by the U.S.S.R.

³ Since 1946 Council of Ministers.

⁴ Since 1946 Council of Ministers.

⁵ *Idem.*

Likewise, the U.S.S.R. shall not recognize registration of a U.S.S.R. civil aircraft in the aircraft register of a foreign State, unless the entry of this aircraft has been cancelled earlier, in an established procedure, from the U.S.S.R. register.

Sec. 11. Any appropriate restriction on the right to use civil aircraft registered in the U.S.S.R. register, such as using of aircraft for a particular service, temporary or permanent requisitioning of the aircraft, or other measure called for by special circumstances, shall be permitted by resolution of the U.S.S.R. Council of People's Commissars.⁶

Sec. 12. Every civil aircraft shall be assigned, on registration in the U.S.S.R. register, a distinctive wing marking to appear on the aircraft.

Civil aircraft intended for medical and sanitary service and falling under the provisions of the respective international conventions must also have the picture of the Red Cross or the Red Crescent in addition to the general wing marking. Such aircraft must be painted white.

The rules concerning wing markings shall be established by the Main Administration for Civil Aviation.

In addition to the wing marking the aircraft may, with the approval of the Head of the Main Administration for Civil Aviation, have assigned a distinctive name, which shall appear on the aircraft and shall be entered in the register.

Sec. 13. Each civil aircraft having a radio transmitter shall be assigned a special radio call signal by the Main Administration for Civil Aviation (and an aircraft of the Main Administration of the North Sea Route, by this administration), in agreement with the People's Commissariat⁷ for Communications.

Regulations concerning the installation of radio transmitters shall be issued by the Main Administration for Civil Aviation or the Main Administration of the North Sea Route, in agreement with the People's Commissariat⁸ for Communications.

Sec. 14. Any civil aircraft shall be cleared for air traffic only after an examination of its airworthiness has been made.

In case of subsequent alterations of the construction, an aircraft which has passed the examination must undergo a new examination.

The examinations shall follow a procedure to be established by the Main Administration for Civil Aviation.

On the results of the examination a record shall be made and submitted to the Main Administration for Civil Aviation. On the basis of the record concerning the airworthiness of the aircraft the Main Administration for Civil Aviation shall issue the respective certificate.

Sec. 15. In addition to the certificate of registration (Sec. 9) and the certificate of airworthiness (Sec. 14) every civil aircraft cleared for air traffic, must have the following aircraft documents:

- a) the aircraft book,
- b) the engine book, and
- c) the board journal.

⁶ Since 1946 Council of Ministers.

⁷ Since 1946 Ministry of Communications.

⁸ *Idem.*

The forms of the aircraft documents and the rules on making entries in them shall be established by the Main Administration for Civil Aviation.

Sec. 16. The Main Administration for Civil Aviation shall have the right to make exceptions from the provisions of Sections 9, 14 and 15, for free balloons (aerostats), sport gliders and other civil aircraft exclusively destined for experimental, sport or training flights.

CHAPTER III—OPERATING PERSONNEL OF CIVIL AIRCRAFT

Sec. 17. The operating personnel of a civil aircraft shall consist of the commanding officer and the crew. A crew shall be appointed for any aircraft which requires, during the flight, service by special personnel in addition to the commanding officer.

Rules concerning the composition of the operating personnel of different types of aircraft shall be established by the Main Administration for Civil Aviation.

Sec. 18. The operating personnel of a civil aircraft entered on the register of the U.S.S.R. shall consist of U.S.S.R. citizens only.

The Main Administration for Civil Aviation shall have the right to make exceptions to this rule in individual cases.

Sec. 19. The Main Administration for Civil Aviation shall establish the scope of the general and special training and the conditions of physical fitness for the operating personnel of civil aircraft.

Persons belonging to the flight service of the operating personnel shall be divided into respective grades according to specialty and qualifications.

The qualifications of persons belonging to the flight service of the operating personnel shall be examined every year by special commissions appointed by the Head of the Main Administration for Civil Aviation and the Head of the Main Administration of the North Sea Route (each within their respective jurisdiction). The procedure for the work of the qualifying commissions shall be established by the Heads of the Main Administrations concerned.

Sec. 20. All persons of the flight service of the operating personnel must have the required certificate issued by the Main Administration for Civil Aviation. The certificate shall be issued for a period of one year. The certificate shall indicate which type of civil aircraft the particular member of the operating personnel has been permitted to operate, pilot, or service.

Members of the flight service of the operating personnel must have these certificates on their persons while fulfilling their official duties and they must show them at the request of persons upon whom such authority has been conferred by the Main Administration for Civil Aviation or the Main Administration of the North Sea Route (according to their jurisdictions) or to other government officials.

Sec. 21. The commanding officer of a civil aircraft must be a person having the title of pilot. The Head of the Main Administration for Civil Aviation or the Head of the Main Administration of the North Sea Route, each within his own jurisdiction, may, in individual cases, appoint as the commanding officer of large passenger capacity aircraft a person not having the title of pilot.

Piloting of aircraft shall in all cases be entrusted to persons having the title of pilot.

The crew of an aircraft shall consist of members of the flight service (a pilot, other than the one in command of the aircraft, the flight mechanic, navigator, air radio operator and others) and other servicing personnel.

Sec. 22. The commanding officer of a civil aircraft shall bear full responsibility for the condition of the aircraft and its crew, the preparation of each flight in accordance with Section 45, and its execution.

Sec. 23. All persons on board the aircraft, without exception, shall obey and carry out all the orders of the commanding officer of a civil aircraft.

Persons whose actions threaten the safety of the flight, or who disobey the instructions of the commanding officer, shall be prosecuted. During the flight, the commanding officer of an aircraft shall have the right to use all necessary measures against persons who disobey his instructions and who, by their action, threaten the safety of the flight.

Sec. 24. Should the civil aircraft be in danger, the commanding officer and all members of the flight service of the operating personnel of the aircraft shall have the duty to use all means to rescue the passengers and the operating personnel, and furthermore the commanding officer shall be the last to leave the aircraft.

In case of a crash, forced emergency landing and the like, the commanding officer of the civil aircraft shall, in observance of the interests of the organization managing the aircraft, as well as of those of the owners of the cargo, conclude in their name all agreements and take all measures necessary under the circumstances, and he shall be responsible to them for the correctness of his action.

Sec. 25. The commanding officer of a civil aircraft who intercepts a call from an aircraft or sea vessel in distress, or who encounters an aircraft or vessel in distress, shall have the duty to go to its assistance as far as is possible without subjecting the aircraft under his charge and the persons on it to danger.

Sec. 26. In case of military actions directed against the U.S.S.R. from any quarter whatsoever, it shall be the duty of the commanding officer of a civil aircraft to use every means possible to escape the seizure of the aircraft and of the persons, documents and cargo on board.

CHAPTER IV—LABOR CONDITIONS AND RESPONSIBILITY OF CIVIL AIR FLEET WORKERS

Sec. 27. The Code on Service in the U.S.S.R. Civil Air Fleet, approved by the U.S.S.R. Council of People's Commissars,⁹ shall determine the order of performance of duties by workers of the civil air fleet under whatever jurisdiction, including disciplinary responsibility and awards.

Sec. 28. Labor conditions for the workers of the civil air fleet shall be determined by the general labor laws subject to the exceptions established by this Code and the Code on Service in the U.S.S.R. Air Fleet (Sec. 27).

⁹ Since 1946 the Council of Ministers.

Sec. 29. Members of the flight service of the civil air fleet and persons whose duty is to test civil aircraft in the air or to conduct systematic inspection flights in the case of loss of capacity to work in connection with an official flight, and the families of the above-mentioned persons who died in connection with an official flight, shall be entitled to social insurance according to higher rates pertaining to disability pensions and pensions in case of the loss of the breadwinner. The higher rates of these pensions shall be established by the Federal Central Council of Trade Unions.

In addition, the above-mentioned persons or their families shall be given a lump sum allowance in the amount of two months' average earnings by the office where they were employed.

Sec. 30. In accordance with a special law, persons belonging to the flight service of a civil aircraft shall be provided for by social insurance with a long-service bonus.

Sec. 31. Persons belonging to the commanding force of the civil air fleets and students of air flight schools shall be subject to the Statute on Military Crimes.

Persons belonging to the commanding force of the civil air fleet and students of air flight schools shall be subject to the jurisdiction of military courts in cases involving military crimes, as well as in cases of crimes against the State, crimes committed in office or crimes against property which are under the jurisdiction of a court martial with respect to persons in military service.

CHAPTER V—GROUND EQUIPMENT FOR FLIGHT

Sec. 32. The construction of ground equipment (airports, airdromes, hydro-airports, hydro-airdromes, dirigible balloon ports, mooring line points, radio stations and lighthouses, glider stations, ground identification marks) for flights of civil aircraft shall be allowed only with prior permission by the Main Administration for Civil Aviation or the Main Administration of the North Sea Route (depending on the jurisdiction) or their local agencies.

The establishment of temporary takeoff and landing strips for special purposes (sowing from aircraft, aerial photography, fight of plant pests, cultural and educational or sport purposes etc.) shall be allowed without advance permission by the Main Administration for Civil Aviation or the Main Administration of the North Sea Route, but with mandatory registration by their local agencies.

The ground equipment for flights shall meet the requirements established by the Main Administration for Civil Aviation in conformity with the purpose of the equipment.

The Main Administration for Civil Aviation shall effect the registration of airports, airdromes, hydro-airdromes, hydro-airports, ports for free balloons, radio stations and lighthouses, and mooring line points, and shall issue certificates concerning their suitability for exploitation, and establish rules concerning ground identification marks.

Sec. 33. Tracts of land and water areas for the establishment of ground equipment for flights, and also for the satisfaction of other needs of civil aviation shall be assigned for an unlimited or limited period of time in a procedure established by the laws of the U.S.S.R. and the constituent republics.

Where airlines conduct research approved by the government of the U.S.S.R., the Main Administration for Civil Aviation shall have the right to restrict, for a term of up to one year, the users of the land in the right to erect buildings, structures and to plant trees in areas earmarked for the construction of ground equipment for flights.

Sec. 34. It shall be prohibited to erect structures of any kind (buildings, masts, etc.) the height of which plus 10 meters exceeds $1/25$ of the distance from the given structure to the limits of the air strip of the airdrome, the water area of the hydro-airdrome, the port for free balloons, the mooring linepoint or the glider station, taking into account the difference in height above sea level, within a strip $2\frac{1}{2}$ kilometer wide bordering on the airdrome and directly adjacent to the limits of airdromes, hydro-airdromes and free balloon ports, as well as within a one kilometer wide strip adjacent to the limits of reserve airdromes and hydro-airdromes, glider stations, and to mooring line points.

It shall be prohibited to install on such strip of land aerial electrical wires with the exception of cases where these wires are adjacent to higher structures or natural obstacles easily discernible from the air.

The installation of aerial high tension electric wires in the four-kilometer wide strip from the limits of airdromes, hydro-airdromes and free balloon ports, and in the two-kilometer wide strip from the limits of reserve airdromes and hydro-airdromes, glider stations and mooring line points may be made only with advance consent of the Main Administration for Civil Aviation or the Main Administration of the North Sea Route (depending on jurisdiction) or of their local agencies.

In a case where a high voltage aerial electric transmission line leads to an airdrome, hydro-airdrome or free balloon port in the direction to its center, and where this direction is preserved for a distance of not less than four kilometers from its limit, the installation of the high voltage line shall be permitted up to a point at a distance of one kilometer from this limit.

Exceptions from the rules of this section shall be allowed only with the permission of the Main Administration for Civil Aviation or the Main Administration of the North Sea Route (depending on jurisdiction) or their local agencies.

Rules concerning the installation of wires in the zone bordering the airdrome shall be established by the Main Administration for Civil Aviation in agreement with the interested departments.

Sec. 35. On the request of the Main Administration for Civil Aviation or the Main Administration of the North Sea Route (depending on jurisdiction), and in accordance with the provisions established by the Main Administration for Civil Aviation, the city and urban settlement Soviets must place inscriptions indicating the name of the city or settlement in locations best visible from the air (mountains or structures of any kind).

Sec. 36. Proprietors of high buildings or structures (radio masts, factory chimneys, houses, etc.) located within the ten-kilometer zone on both sides of the airline routes, shall have the duty, on the request of the Main Administration for Civil Aviation or the Main Administration of the North Sea Route (depending on the jurisdiction) or their local agencies, to place on these buildings and structures, at their own expense, new night and day marking signs, in accordance with

the rules established by the Main Administration for Civil Aviation.

The construction of signs similar to those used in the civil air fleet shall be prohibited within the limits of the above-mentioned zone.

Sec. 37. Airports, hydro-airports, airdromes and hydro-airdromes, free balloon ports and mooring line points which are within the civil airlines shall be open for the use of any aircraft. Fees shall be levied for their use according to tariffs established by the Main Administration for Civil Aviation.

Other airports, hydro-airports, airdromes, hydro-airdromes, ports for free balloons and mooring line points assigned for special purposes as well as glider stations, may be used by aircraft that are not directly served by them only in accordance with a procedure and under conditions established by the Main Administration for Civil Aviation by agreement with the interested departments.

Sanitary civil aircraft shall have the right to use all airdromes, hydro-airdromes, airports, hydro-airports, free balloon ports and mooring line points while they perform first aid work.

Sec. 38. The transferring of aviation ground equipment to other offices, enterprises or organizations, as well as its removal or adaptation for other purposes shall be allowed only with the permission of the Main Administration for Civil Aviation.

Sec. 39. Offices, enterprises or organizations desiring to discontinue the exploitation of aviation ground equipment shall have the duty to give timely notice thereof to the Main Administration for Civil Aviation.

When an office, enterprise or organization discontinues the exploitation of aviation ground equipment without transferring it to another office, enterprise or organization, the ground equipment, including all inventory, shall then pass without compensation to the Main Administration for Civil Aviation.

Sec. 40. The Main Administration for Civil Aviation shall have the right to establish exceptions from the effect provided for in Sections 38 and 39 concerning temporary airdromes, take-off and landing fields and glider stations.

Sec. 41. The Main Administration for Civil Aviation shall have the right to close down for a limited or unlimited period of time aviation ground equipment if it is operated in violation of established rules.

CHAPTER VI—FLIGHTS

Sec. 42. Civil aircraft, with the exception of free balloons, may make [the following] flights in the air space of the U.S.S.R. :

(a) airdrome flights (for training, practice, or test purposes) in the air space over the strip bordering an airdrome and airdrome, the width of which shall be established by the Main Administration for Civil Aviation;

(b) scheduled flights which follow air routes (routes of air lines) established by the Main Administration for Civil Aviation;

(c) occasional flights (serving the needs of local communication, economic and political campaigns, sports and the like) which either follow the air routes or are made outside the air routes of air lines but are subject to mandatory registration in advance of their air routes or the limits of the air space for flights with the

local agencies of the Main Administration for Civil Aviation or the local agencies of the Main Administration of the North Sea Route (depending on jurisdiction).

An air route shall be deemed to be the direction of flight between two points which is fixed in advance by means of indicating a number of intermediate points between which the flight must be made along straight lines which may be deviated from to either side within the limits of 5 kilometers.

In individual cases the Main Administration for Civil Aviation may give permission to depart from the rules of this Section.

Sec. 43. All flights in the airspace of the U.S.S.R. by civil aircraft may be made only under strict observance of the rules established by the Main Administration for Civil Aviation for the flights of individual aircraft, as well as for the flights of formations thereof (detachments, groups, air trains).

Sec. 44. A civil aircraft shall be cleared for flight only if it has on board:

- (a) aircraft documents (Sec. 15);
- (b) a flight map and other air navigation documents required by the Main Administration for Civil Aviation;
- (c) instruments and equipment needed for the particular flight; and
- (d) a crew satisfying the conditions of the particular flight.

The Main Administration for Civil Aviation shall establish a list of instruments and equipment required for individual categories of flights.

The Main Administration for Civil Aviation shall have the right to establish exceptions from the rules of this section for flights of free balloons and sport gliders, as well as for individual categories of flights of other aircraft.

Sec. 45. A flight by an aircraft may be made only after there have been made a special preliminary preparation for it and a check of the condition of the aircraft and its crew, of the aviation ground equipment at the places of takeoff and destination, as well as of the aero-hydrometeorological conditions of the flight.

On each flight the commanding officer of the civil aircraft shall be responsible for the following:

- (a) the appropriate technical condition of the aircraft, the engines, and the instruments located on the aircraft;
- (b) the presence of air navigation documents (Sec. 44b) on the aircraft and for familiarity with them;
- (c) the presence of fuel and lubricants sufficient for the flight;
- (d) observance of the maximum limits of the load and the correct distribution of the load on the aircraft; and
- (e) the proper condition of the crew of the aircraft.

The chief of an airport, hydro-airport or free balloon port shall be responsible for the following:

- (a) the proper condition of the airdrome, hydro-airdrome or mooring line point and the good condition of their technical equipment;
- (b) the correct laying out of the start;
- (c) the checking of the condition of the operating personnel of the aircraft and the presence of established certificates (Sec. 20) by members of the operating personnel;

(d) the checking of the presence and condition of wing markings and the signalling equipment of aircraft, as well as of the presence of objects necessary for passenger service and of the established aircraft documents on the aircraft (Sec. 15);

(e) the presence of a summary weather forecast permitting the flight.

NOTE. The rules implementing this section with respect to sport gliders and free balloons shall be established by the Main Administration for Civil Aviation in agreement with the interested organizations.

Sec. 46. Clearance of civil aircraft for flight shall be issued only by the order of the chief of the airport, hydro-airport or free balloon port. This order shall be entered in the board journal of the aircraft over the signature of the chief of the airport.

The commanding officer of the aircraft, as well as persons in any other position on whose orders the flight took place, shall be responsible for the takeoff in the absence of an order of the chief of the port.

The take-off of a civil aircraft from other landing places shall be made by the order of the commanding officer of the aircraft, who shall in this case have the full responsibility for the takeoff.

Sec. 47. Flights with passengers shall be permitted only on civil aircraft operated by pilots having qualifications corresponding to the requirements established by the Main Administration for Civil Aviation for operating such aircraft (Sec. 19).

Sec. 48. During flights over populated areas a civil aircraft must remain at an altitude assuring a safe landing with the engine shut off on an airdrome or outside an inhabited area.

No testing, experimental or acrobatic flights shall be permitted over populated areas. Exceptions to this rule shall be allowed in individual cases with the permission of the Head of the Main Administration for Civil Aviation.

The jettisoning of any objects whatever, particularly printed matter, from civil aircraft, the taking of photographs and motion pictures, as well as the use of radio sets located on civil aircraft for the transmission of any messages whatever which have no connection with the needs of the particular flight, shall be permitted only with the clearance of the People's Commissariat for the Interior¹⁰ of the U.S.S.R. or its local agencies.

Sec. 49. The participation in the flights of civil aircraft prior to the termination of the governmental test shall be categorically forbidden to all persons other than those entrusted with the testing of aircraft, aviation, and air navigation motors and instruments in the air.

Sec. 50. Air- and hydro-meteorological services for flights of civil aircraft shall be performed gratuitously by the Central Administration of the United Hydro-Meteorological Service in a procedure established by it in agreement with the Main Administration for Civil Aviation.

Sec. 51. Telegrams and interurban telephone conversations concerning weather conditions, takeoff, arrivals, crashes or forced emergency landings of civil aircraft while in flight shall be accepted by agencies

¹⁰ Since 1946 the Ministry of the Interior.

of the People's Commissariats for Communication and for Transportation¹¹ at regular rates and shall be transmitted as follows: telegrams and international telephone conversations on crashes—with priority over other communications; other interurban telephone conversations—with the same priority as government [communications].

Sec. 52. On finding itself outside the air route or the limits of airspace fixed for the flight (Sec. 42) a civil aircraft must correct its course of flight as soon as it becomes aware of the fact.

If the aircraft receives the signal to land, it must give the distress signal and land on the nearest place suitable for a safe landing.

If the aircraft receives a signal prohibiting it to land, it must correct its course and, on finding itself inside the air route or the prescribed limits of the airspace, land on the nearest airdrome.

In all these cases the aircraft may, after landing, continue its flight only with the permission of the respective agency of the Main Administration for Civil Aviation or the Main Administration of the North Sea Route (depending on jurisdiction).

Sec. 53. In case of the crash of a civil aircraft or where continuation of flight is made impossible owing to death, injury or sickness of members of the operating personnel, the local authorities must render the necessary assistance, assume the protection of the aircraft, and immediately inform by radio or wire the Main Administration for Civil Aviation or the Main Administration of the North Sea Route (depending on jurisdiction) and their nearest local agencies about the occurrence.

CHAPTER VII—INTERNATIONAL FLIGHTS

Sec. 54. Any flight of a civil aircraft during which the aircraft crosses the national boundaries of the U.S.S.R. shall be considered an international flight.

The general rules of flight in the airspace of the U.S.S.R. with supplements and amendments stated in this chapter, shall apply to international flights.

Sec. 55. Civil aircraft not entered in the register of the U.S.S.R. may perform flights to the territory of the U.S.S.R., into the airspace of the U.S.S.R., and from the U.S.S.R. beyond its boundaries only with a special permission of the Main Administration for Civil Aviation.

The following shall be indicated in the permit:

(a) Air gates through which the craft must cross the national boundary of the U.S.S.R. while flying in or out as well as the height of the flight while crossing the frontier;

(b) Route by which the craft must fly and places for mandatory and permissible landings;

(c) Period of time of validity of the permit.

Sec. 56. Civil aircraft entered in the register of the U.S.S.R. may perform flights beyond the territory of the U.S.S.R. only with the permission of the Main Administration for Civil Aviation.

Sec. 57. While performing international flights all the civil aircraft shall be guided, as to customs operations, by the Customs Code of the U.S.S.R. and regulations issued in its implementation.

¹¹ Since 1946 the Ministries of Communications and Transportation, respectively.

Sec. 58. The general rules for entry into the U.S.S.R., departure from the U.S.S.R., and transit through the U.S.S.R. shall apply to persons arriving in the U.S.S.R. or departing from the U.S.S.R. by civil aircraft.

Sec. 59. The acceptance and release in regard to customs and passport control, of civil aircraft which perform international flights, shall be carried out at airports and hydroairports or ports for free balloons determined by the Main Administration for Civil Aviation in agreement with the People's Commissariat for Foreign Trade and the People's Commissariat for the Interior¹² of the U.S.S.R.

Sec. 60. If, because of *force majeure* (*stikhūnoe bedstvie*) or for any other reason, a civil aircraft crosses the national boundary of the U.S.S.R. outside the air gates indicated, or not at the indicated altitude or appears to be outside of the air route established for it, such aircraft shall immediately upon ascertaining this fact or upon receipt of a signal demanding its landing, give a signal of distress, descend to a lower altitude, and land at the nearest suitable place.

A civil aircraft which has landed under the conditions stated in this section may continue its flight only with the permission of the Main Administration for Civil Aviation or its corresponding local agencies.

If the aircraft does not obey the signal demanding its landing, it will be forced to land after a second signal.

Sec. 61. If a civil aircraft which is making an international flight suffers an air crash or makes a forced landing before the mandatory landing at the place determined for customs and passport control of the particular craft, then, in the absence at the place of landing of a customs agency, the local authorities must take all the necessary steps for the protection of the cargo, luggage and other property on board the craft and for the fulfillment of all the required passport formalities.

The same rule shall apply in instances where an aircraft making an international flight suffers a crash or makes a forced landing in the U.S.S.R. after fulfillment of the customs and passport formalities required for exit.

The Main Administration for Civil Aviation shall issue rules in implementation of this section, in agreement with the People's Commissariat of Foreign Trade and the People's Commissariat for the Interior¹³ of the U.S.S.R.

Sec. 62. Civil aircraft not entered into the register of Civil Aircraft of the U.S.S.R. may be subject to examination for the determination of its airworthiness:

(a) if the U.S.S.R. has no agreement with the State concerned regarding recognition in the U.S.S.R. of the documents issued by that State on the airworthiness of the civil aircraft;

(b) in case of an air crash and disclosure of technical defects of the aircraft.

Sec. 63. Regular international flights along the international air routes shall be conducted according to the rules established in treaties made by the government of the U.S.S.R. with foreign States and

¹² Since 1946 the Ministries of Foreign Trade and Interior, respectively.

¹³ Since 1946 Ministries of Foreign Trade and Interior, respectively.

organizations and in regard to problems not covered by such treaties according to the rules of this Code.

Sec. 64. The Main Administration for Civil Aviation shall have the right to establish exceptions from the rules of this Code for foreign civil aircraft which are making single international flights of a special character.

Sec. 65. The Main Administration for Civil Aviation shall establish the rules concerning international flights which apply to free balloons.

Sec. 66. Laws and rules in force in the U.S.S.R. shall apply to foreign civil aircraft, their operational personnel and passengers while they are flying in the airspace of the U.S.S.R.

Sec. 67. Any person guilty of a violation of the rules of international flights (flights into the U.S.S.R. and flights out of the U.S.S.R. without permission, failure to follow the air route indicated in the permit, the place of the landing, the air gates, the flight altitude, and the like) shall be prosecuted in a criminal court under the laws of the U.S.S.R. or punished in an administrative action under Section 95 of this code.

CHAPTER VIII—CARRIAGE BY AIR OF PASSENGERS, LUGGAGE, CARGO AND MAIL

Sec. 68. Regular carriage by air of passengers, luggage, cargo and mail may be carried out only by air carriers (air lines) of the Main Administration for Civil Aviation, but within the scope of the activities of the Main Administration of the North Sea Route, by the airlines of the said administration.

The establishment of air lines shall be permitted only after government clearance has been granted by a commission appointed by the Head of the Main Administration for Civil Aviation.

Rules and procedures for granting government clearance shall be established by the Main Administration of Civil Aviation.

Sec. 69. By a contract of carriage by air the air carrier undertakes to carry by air passengers, cargo, luggage and mail to the place of destination; and the passenger or the consignor of the cargo, luggage or mail, undertakes to pay the air carrier according to the rates for the passage or the transport.

The air carrier may, by special agreement, assume the obligation to transport a passenger, cargo, luggage or mail to the place of destination not only by aircraft but also by using other means of transportation for a part of the route.

Sec. 70. A contract of carriage by air shall be certified by a shipping document issued by the air carrier. The following shall constitute shipping documents: the ticket—for passenger transportation; the cargo check—for transportation of cargo; and the luggage check—for transportation of luggage.

Sec. 71. The Main Administration for Civil Aviation shall establish the rules for carriage by air, the forms of shipping documents, and the procedure for the making and rescission of the contract for carriage by air.

The rules for the shipping of mail shall be established by the Main Administration for Civil Aviation in agreement with the People's Commissariat¹⁴ for Communication.

Sec. 72. Shipping by air of explosive substances, arms, ammunition, poisonous, easily inflammable substances or carrier-pigeons, shall not be permitted without the special authorization of the Main Administration for Civil Aviation and the Main Administration of the North Sea Route (depending on jurisdiction).

The rules for the shipping of photographic and motion picture cameras, or of objects the shipping of which is admissible only if special conditions are complied with, shall be established by the Main Administration for Civil Aviation.

Sec. 73. Rates for passenger transportation and shipping of luggage and cargo shall be established by the Main Administration for Civil Aviation and the Main Administration of the North Sea Route (depending on jurisdiction) as approved by the Council of Labor and Defense.

Rates for carrying mail shall be established by the Main Administration for Civil Aviation and the Main Administration of the North Sea Route (depending on jurisdiction), in agreement with the People's Commissariat¹⁵ for Communication, and they shall be approved by the Council of Labor and Defense.

Sec. 74. The passengers and consignors of cargo or luggage must strictly observe the provisions of this Code and the rules issued in its implementation. In case of non-compliance the air carrier shall have the right, irrespective of the application of Section 86, immediately to rescind the carriage contract without refunding the payment made by the passenger or the sender of the cargo or luggage.

Sec. 75. If the flight is cancelled, the air carrier must refund to the passenger the sums paid by him for the passage; if the flight is interrupted during the journey it must take the passenger and his luggage to the place of destination by the fastest means of transportation [available]; but in case of impossibility or if the passenger refuses to make use of other means of transportation [it must] return the value of the paid passage or the transport of luggage, in proportion to the unused part of the journey.

Sec. 76. The rules of international conventions to which the U.S.S.R. is a party and, in the absence of such rules, the provisions of this Code and the rules issued in its implementation shall apply to the international carriage of passengers, luggage, and cargo.

Sec. 77. The international carrying of mail by air shall be made in conformance with the international conventions of the U.S.S.R. concerning carriage of mail.

CHAPTER IX—LIABILITY FOR DAMAGES IN CONNECTION WITH CONVEYANCE BY AIR AND PROCEDURE FOR THE SETTLEMENT OF DISPUTES OVER DAMAGES

Sec. 78. Any institution, enterprise, organization, or person exploiting a civil aircraft shall be liable, under the laws of the Soviet Union and Soviet republics, to repair damages caused by death or bodily

¹⁴ Since 1946 Ministry of Communication.

¹⁵ *Idem.*

injuries to passengers during the take-off, flight, and landing, as well as damages caused by injuries to property or persons not carried by aircraft, unless it is proved that the injury occurred as a consequence of the intent or gross negligence of the injured person himself.

Sec. 79. The air carrier shall be liable for damages caused to cargo and luggage from the time of their receipt for shipping until their delivery to the consignee. Such liability shall extend as follows:

(a) for loss of cargo or luggage received for shipping with value declared to the amount of the declared value, but not to exceed the actual cost;

(b) for loss of cargo received for shipping without declared value to the amount of the actual cost;

(c) for loss of luggage received for shipping without declared value to the extent of rates established by the Main Administration for Civil Aviation with the approval of the Council of People's Commissars¹⁶ of the U.S.S.R.;

(d) for damage to luggage and cargo to the amount by which its value has decreased.

Sec. 80. An air carrier shall be relieved of liability for loss or damage to cargo or luggage if it proves that loss or damage occurred:

(a) due to intent or negligence on the part of the consignor or consignee, particularly when due to the non-compliance of the consignor with the special conditions of transportation established by the Main Administrator for Civil Aviation or with the rules prohibiting the transportation of these or other articles;

(b) due to *force majeure* if the loss or damage occurred while not in flight;

(c) due to the specific nature of the transported goods because of which breakage, rust, internal spoilage, etc. ensued;

(d) due to transportation of the cargo or luggage without the necessary packing or under unsatisfactory packing conditions;

(e) due to natural loss of the cargo within the standard limits established by the Main Administration of Civil Aviation and approved by the Council of Labor and Defense.

Sec. 81. If the institution, enterprise, organization or person operating a civil aircraft did not take measures to avert the damage its liability may, according to the circumstances of the case, be decreased in case of intent or gross negligence of the person injured.

Sec. 82. The air carrier shall not be liable for the hand luggage of a passenger which was not delivered for luggage safekeeping.

Sec. 83. For destruction, damage or untimely delivery of mail the air carrier shall be responsible to the People's Commissariat of Communications¹⁷ within the limits of the liability of the latter to the sender.

Sec. 84. The air carrier shall be liable for the timely delivery of the shipped cargo according to the rules established by the Main Administration of Civil Aviation.

Sec. 85. Any agreements of the air carrier with the passengers or owners of the cargo having for their purpose a change for one party or another of the liability provided for by this Code and the rules

¹⁶ Since 1946 Council of Ministers.

¹⁷ Since 1946 Ministry of Communications.

issued in its implementation by the Main Administration of Civil Aviation shall be null and void.

Sec. 86. Passengers, owners of cargo or other persons must report to the institution, enterprise, organization or person operating a civil aircraft all damage caused by their failure to observe the provisions of this Code, and of the rules issued in its implementation.

Sec. 87. Any institution, enterprise, organization or person operating a civil aircraft which rendered assistance in salvaging property which had been in danger shall have the right to receive appropriate compensation from the owner of such property.

Sec. 88. Declarations of claims arising from air carriage shall be submitted to the administrative office of the air carrier. If the carriage by air was performed by several air carriers the declaration shall be submitted to the administrative office of the air carrier of the place of departure or destination, at the option of the person declaring the claim. After a claim has been declared to one of the air carriers, the filing of claims with the other shall not be permitted.

Rules concerning the procedure of filing and hearing of claims shall be issued by the Main Administration of Civil Aviation.

Sec. 89. Claims against an air carrier arising from the air carriage contract may be filed during a six month term; claims arising from mixed air-railway carriage and air-water carriage, during one year.

During the same terms the air carrier may file its demands against the consignors, consignees or passengers for the reparation of damages (*Sec. 86*).

The above-mentioned terms shall run :

(a) for demands of compensation for damage or partial loss of the cargo or luggage—from the day of their delivery;

(b) for demands of compensation for complete loss of cargo or luggage, as well as for their belated delivery—from the day of the expiration of the specified term for delivery;

(c) for all other demands—from the day the event occurred which forms the basis of the claim.

Sec. 90. The air carrier must consider the claim filed and inform the claimant within two months of the granting or rejection of the claim, but with respect to claims arising from mixed shipping by air and rail or by air and water it must do so within six months.

If the claim is rejected or remains unanswered, the claimant shall have the right, within two months from the day when the answer of the air carrier was received or from the day when the term established for filing the answer to the claim has run out, to file suit in court against it.

Sec. 91. Rules concerning the liability for damage caused to another aircraft by an aircraft during flight shall be issued by the Main Administration for Civil Aviation.

Sec. 92. Suits shall be filed with the courts of the place where the defendant is located or with the State arbitration agencies (according to jurisdiction and venue).

CHAPTER X—FINES WHICH ARE IMPOSED IN ADMINISTRATIVE ACTIONS BY AGENCIES FOR CIVIL AVIATION

Sec. 93. The Main Administration for Civil Aviation shall issue rules applicable to all citizens concerning the protection of the order and safety of air conveyances and concerning the protection of the property of the civil air fleet, as well as sanitary and fire prevention rules, and shall establish fines which shall be imposed in administrative action for the violation of these rules.

The maximum amount of the fine for a violation of these rules shall be indicated in the same rules, but cannot exceed 500 rubles.

Sec. 94. Fines shall be imposed:

(a) up to 100 rubles—by heads of airports, hydro-airports and ports for free balloons;

(b) up to 200 rubles—by heads of air lines;

(c) up to 300 rubles—by heads of territorial administrations and the Head of the Main Inspection for Civil Aviation;

(d) up to 500 rubles—by the Head of the Main Administration for Civil Aviation and the Head of the Main Administration of the North Sea Route (depending on jurisdiction).

Sec. 95. For violation of rules of international flights in cases where there is no reason for prosecuting the violators before a criminal court, the Head of the Main Administration for Civil Aviation shall have the right to impose upon the violator in administrative action a fine of up to 3,000 rubles.

Sec. 96. The order imposing the fine shall be reduced to writing and a copy thereof shall be handed to the violator.

The order imposing the fine may be appealed to a higher agency of Civil Aviation within a period of 20 days from the day of its announcement.

The orders of the Head of the Main Administration for Civil Aviation and the Head of the Main Administration of the North Sea Route concerning imposition of a fine and their decisions on appeals against the imposition of fines shall be final.

The lodging of an appeal shall not stop the exaction of the fine.

APPENDIX TO THE U.S.S.R. AIR CODE

DESCRIPTION OF THE U.S.S.R. CIVIL AVIATION AND THE CIVIL AIR NAVIGATION FLAG

Red (or scarlet) flag, rectangular, dimensions 150 x 75 cm. In the center of the rectangle a blue isosceles triangle with its base at the staff; dimensions of the triangle: base 40 cm. and height 85 cm.

In the upper part of the triangle at a distance of 10 cm. from the staff and 2 cm. from the edge there is a gold five-pointed star 8 cm. in diameter.

On the blue triangle at a distance of 5 cm. from the staff there is on the background of a gold sickle and hammer the emblem of aviation and air navigation—silver wings. The wing span is 35 cm., the diameter of the sickle and hammer, 15 cm.

YUGOSLAVIA

LAW NO. 392 OF JUNE 1, 1949, NO. 47, 1949¹

In accordance with Article 1 of the Law on the Delegation of Powers to the Government of the F.P.R.Y. to issue regulations regarding the national economy, and at the proposal of the Minister of Transportation of the F.P.R.Y., the Government of the F.P.R.Y. issues the following

DECREE ON AIR NAVIGATION, [AS AMENDED]²

I. GENERAL PROVISIONS

Art. 1

The operation of aircraft in the airspace of the F.P.R.Y., their takeoff and landing on the territory of the F.P.R.Y. shall be subject to the provisions of the present Decree and regulations issued in accordance therewith.

Any contrivance, used or intended for flying or air navigation shall be considered as an aircraft.

Art. 2

Aircraft shall be either official or civil.

Aircraft belonging to the Armed Forces, Customs Authorities and the State Security shall be considered official aircraft.

Those [aircraft] intended for air traffic, sanitary services, sports or belonging to associations and organizations and all others not belonging to the official [category], shall be considered civil aircraft.

The provisions of the present decree shall not apply to official aircraft unless otherwise provided for.

Art. 3

Civil aircraft may fly over the territory of the F.P.R.Y., take off and land only with the permission of the Ministry of Transportation of the F.P.R.Y., Aeronautics Administration, and in accordance with the provisions of these rules.

Foreign aircraft may fly over the territory of the F.P.R.Y., take off and land only when authorized on the basis of an international agreement or when they obtain a special permit from the Ministry of Foreign Affairs of the F.P.R.Y. and provided they abide by the provisions of the present Decree and rules governing air navigation and the traffic of passengers and goods.

¹ *Uredba O Zračnoj plovidbi*, Br. 392 od 1. juna 1949. *Službeni List Federativne Narodne Republike Jugoslavije*, Br. 47, 1949 (Decree on Air Navigation, Law No. 392 of June 1, 1949. Official Gazette of the Federal People's Republic of Yugoslavia [hereinafter referred to as F.P.R.Y.], No. 47, 1949).

² Art. 12, Decree No. 534 of December 12, 1951, Bringing Into Conformity With the Provisions of the Basic Law on Petty Offenses [other] Special Provisions on Petty Offenses in Decrees and Other Regulations. [Issued by] the Government of the F.P.R.Y., and its Agencies. (Sl. L. No. 56, 1951.)

Art. 4

Aircraft shall be forbidden to transport, without a special permit, any kind of arms, ammunition, explosives, poisonous gases, acids, inflammables and articles and equipment which could be dangerous to the security of the state.

Art. 5

All civil aircraft must be registered and equipped with visible marks of registration and nationality. For every flight they must have the required documents.

The flight personnel in civil aircraft must have a valid working permit issued by the competent agency of the state in which the aircraft is registered.

All aircraft must have a commander [leader]. If the commander [leader] is not specifically designated, then the first pilot shall be considered as such.

Art. 6

Civil aircraft of the F.P.R.Y. and all foreign aircraft may fly in the air space of the F.P.R.Y. only in the prescribed air corridors. Gliding aircrafts of the F.P.R.Y. are excepted.

Flying over prohibited zones shall be forbidden.

The entrance or exit of domestic and foreign aircraft into or from the airspace of the F.P.R.Y. may be made only along an established border air corridor.

Foreign aircraft entering the F.P.R.Y. are required to establish radio contact with the nearest airport of the F.P.R.Y. as soon as they enter the prescribed air corridor. They shall also be required, during their flight on their designated route, to enter into contact with any airport which they pass over.

Art. 7

The take off and landing of civil aircraft shall be permitted only at airports and airfields.

Foreign aircraft coming from abroad may land on public customs airports only, and may take off only from these in order to fly abroad.

II. CIVIL AIRCRAFT**Art. 8**

Civil aircraft and equipment in the F.P.R.Y., as a rule, shall belong to the State or to governmental economic enterprises.

Societies, organizations and other legal entities and individuals may operate and use civil aircraft and flying equipment only with the permission of the Ministry of Transportation of the F.P.R.Y.

Art. 9

Civil aircraft of the F.P.R.Y. shall not be used for flying unless it is recorded in the registry kept by the Ministry of Transportation of the F.P.R.Y., Aeronautics Administration.

An aircraft may be registered only in one place at a time.

Art. 10

Before registration, an aircraft must be inspected by an expert commission, which shall establish its airworthiness.

In establishing this airworthiness it shall be determined whether the aircraft has the equipment necessary for its purpose.

If the equipment contains radio communication equipment a special permit for the operation thereof must be obtained from the Postmaster General of the F.P.R.Y.

Art. 11

Civil aircraft flying over the territory of the F.P.R.Y. must have the following documents: a certificate of registration, a certificate of airworthiness, the aircraft log, a working permit for the crew, a list of passengers, an invoice of cargo and mail, the flying route and a permit for the use of radio communication equipment, provided such exists.

III. AIRPORTS AND AIRFIELDS

Art. 12

Airports shall be official, public or special.

Official airports shall be designated for the use of official aircraft; public [airports] shall be for the use of civil and foreign aircraft and special airports shall be built, organized and operated by the state, by domestic social organizations and by government economic enterprises for civil aircraft with a special purpose.

Public airports at the same time may be also customs airports. In such case they must be equipped with all necessary facilities for the functioning of the customs services and for preventing the spread of contagious diseases.

Art. 13

Public airports in the F.P.R.Y. shall belong to the state and shall be under the administration of designated government agencies.

The use of airports shall be subject to federal taxes as established by the Ministry of Finance of the F.P.R.Y.

The servicing of aircraft and other services on airports shall be paid for separately.

Art. 14

Besides airports, there shall also be airfields for landing and take-off only.

They may be owned or used by the state, social organizations, legal entities and individuals. However, they must always be under the control of the Ministry of Transportation of the F.P.R.Y., Aeronautics Administration, which shall regulate the maintenance and use of the airfield.

These airfields shall belong to the special category only.

Art. 15

All radio equipment for communication and radio navigation shall be exclusively under the administration and control of designated aeronautics agencies of the government.

When using an airport, social organizations, enterprises, legal entities and individuals may maintain their own radio communications equipment for commercial purposes, but always only with the approval of the Postmaster General, and under supervision of the Ministry of Transportation, Aeronautics Administration.

Art. 16

The government agency designated to manage an airport shall be the Airport Administration. It shall manage the airport, and regulate and co-ordinate all aeronautical activities of the airport.

Airfields shall be managed by an Airfield Administration.

Art. 17

The Airport Administration shall include aviation control agencies. Their duty shall be to make safe and to control the air navigation of all civil aircraft, foreign and domestic, as well as official aircraft of foreign governments during their flight over the territory of the F.P.R.Y.

All facilities and equipment for flight performance and safety shall be administered and controlled by these agencies.

IV. FLIGHT

Art. 18

In order to receive a takeoff permit, the owner (lessee) or commander of a civil aircraft must report the intended take-off to the aviation control agency of the appropriate airport or airfield.

The report must contain the requested information and the commander shall be bound to follow the information given in the report, unless it is changed on the takeoff permit.

Art. 19

Non-scheduled flights of foreign aircraft and their flights in non-scheduled air traffic above the territory of the F.P.R.Y., either related to a landing or only to transit flight, must be reported through regular diplomatic channels at least 48 hours in advance in order to get the permission.

The report must contain the following information: type and marks of the aircraft, name and address of the owner or the lessee of the aircraft, names of the responsible commander and the crew, purpose of the flight, date, time and place of entry, direction of the flight, place of landing and period of stay in the territory of the F.P.R.Y., date, time and place of exit and also other incidental information (weight of the aircraft, fuel needs, cargo, radio frequency, radio equipment, etc.).

The permission shall be issued by the Ministry of Foreign Affairs of the F.P.R.Y. which shall immediately notify the Ministry of Transportation of the F.P.R.Y., Aeronautics Administration.

In the same manner there shall be reported the flights of foreign aircraft over established air routes with the distinction that the report shall not be made for every aircraft and every flight, but only for regularly scheduled flights.

Art. 20

Before take-off the commander must ascertain that all navigational and technical preparations for the flight have been made.

An aircraft may be operated only by the authorized crew.

Art. 21

During the flight over the territory of the F.P.R.Y. foreign aircraft must use the radio frequencies authorized by the Ministry

of Transportation of the F.P.R.Y., Aeronautics Administration, and must obey all orders of the aviation authorities of the F.P.R.Y. issued with regard to the present Decree and the safety of flight.

During flight over the territory of the F.P.R.Y. aircraft shall not fly at altitudes which are dangerous to the safety of the aircraft, its passengers, or individuals and property on the ground, except when necessary during maneuvering for a forced landing.

Signaling from the aircraft shall be permitted only in connection with communications and safety.

Art. 22

Persons with photographic and motion picture cameras and those with a permit for carrying arms shall hand over all such articles to the commander of the aircraft before entering the aircraft.

Art. 23

Liability of, and damages caused by an aircraft during flight or while taxiing on the ground or coastal waters of the F.P.R.Y. shall be adjudicated according to domestic laws. For damage caused by a foreign aircraft its owner shall be liable.

Art. 24

Entering foreign aircraft are forbidden to land between the state border and the civil customs airfield except in cases of an act of God (*force majeure*). They may takeoff from a civil customs airport only after the custom inspection. In such cases they may not land again on the territory of the F.P.R.Y.

Art. 25

If because of an act of God (*force majeure*) or other excusable causes a foreign aircraft passes the border outside the established air route or finds itself outside the established air routes in the airspace of the F.P.R.Y., the commander shall immediately contact the aviation control authorities of the F.P.R.Y. and, after receiving the signal, shall land on the nearest airport or the airport designated by signals.

If the aircraft refuses to follow the signals given, it shall be forced to land.

Art. 26

If a foreign aircraft is forced by an act of God to land outside an established public airport, the commander shall immediately so report to the nearest government authority which shall provide for the safety of the aircraft and for the accommodation of the crew, passengers and goods.

Art. 27

In the interest of state security and air navigation, aviation agencies shall have the right to request the landing on a determined airfield of any aircraft flying in the airspace of the F.P.R.Y.

Art. 28

In case of an accident of a domestic or foreign aircraft, the accident shall be investigated in order to establish its nature, extent, causes and, possibly, the liability of individuals.

The investigation shall be conducted by the aviation authorities.

The investigation of accidents of foreign aircraft of any kind shall be conducted by a special commission, set up by the Ministry of Transportation of the F.P.R.Y., Aeronautic Administration.

Owners of the aircraft or their representatives may participate as observers in all investigations of the commission.

If the accident assumes the proportion of a catastrophe, i.e., when it involves human victims or when it is a case for which there are special regulations, the investigation shall be conducted by the representatives of the Ministry of Transportation of the F.P.R.Y.

Art. 29

An aircraft shall be considered lost if no traces shall have been found within a period of six months after its disappearance during flight.

Art. 30

The present Decree shall apply also to flight over the Yugoslav airspace without landing.

V. AIR TRAFFIC

Art. 31

Any scheduled or non-scheduled trip by an aircraft between two or more points on land, whether transporting passengers, cargo, mail or empty, shall be considered air traffic in accordance with the present Decree.

Flights, not related to scheduled air traffic shall be considered non-scheduled flights.

Art. 32

Air traffic by means of civil aircraft within the airspace of the F.P.R.Y. shall be considered domestic air traffic.

Air traffic by civil aircraft, whether domestic or foreign, involving the crossing of the borders of the airspace of the F.P.R.Y. shall be considered international air traffic.

Art. 33

Transportation of passengers and cargo between two points on the territory of the F.P.R.Y. shall be made only by domestic aircraft.

Art. 34

The commander of a civil aircraft shall have disciplinary authority over the aircraft during the flight. His authority shall be exercised according to the regulations issued by the Ministry of Transportation of the F.P.R.Y.

The passengers must be notified of the identity of the commander of the aircraft.

Art. 35

The crew, passengers and goods which are transported must be insured during the flight.

If such insurance is not available, then the owner of the aircraft shall be liable for damages, if any.

Art. 36

For the following petty offenses there shall be punished by a fine not to exceed 5,000 dinars:

(1) any aircraft enterprise and any owner of an aircraft who uses or continues to use in [air] traffic an aircraft without the marks of nationality and registration, or without a certificate of registration or a certificate of airworthiness;

(2) any aircraft enterprise and owner of an aircraft who delivers an aircraft to be flown by individuals without a permit to operate [the craft];

(3) any aircraft enterprise that does not adhere to a strict and regular flight schedule for which it assumed the responsibility;

(4) any commander who takes off before it is established that all navigational and technical preparation for the flight has been completed;

(5) any aircraft enterprise and any owner who overloads an aircraft; any commander who takes off with an overloaded aircraft, as well as the flight controller who permits such aircraft to fly;

(6) any aircraft commander flying outside the established air routes or above a prohibited zone;

(7) any aircraft commander who does not contact the flight control [authority] in time or who does not comply with the orders concerning the flight control;

(8) any person who negligently executes the navigational and technical flight preparation with which he is charged;

(9) any person who acts contrary to Articles 4, 21, 22 and 24 of the present Decree;

(10) any aircraft enterprise and any owner of an aircraft who fails to insure the crew, the passengers and the cargo;

(11) any member of the crew who, without justification, abandons his post of duty on the aircraft;

(12) any person who endangers flight safety, as well as any individual who violates the provisions of the present Decree or the provisions issued pursuant to the present Decree.

For the petty offenses specified in the foregoing Paragraphs numbered 1, 2, 3, 5 and 10, a legal entity shall be punished by a fine not to exceed 20,000 dinars.

For the following petty offenses there shall be punished by a fine not to exceed 3,000 dinars:

(1) any commander who uses an aircraft without the marks of nationality and registration or without obtaining a certificate of registration or a certificate of airworthiness, and any flight controller who permits such aircraft to takeoff;

(2) any commander who uses an aircraft and members of the crew without a permit to operate, as well as any flight controller who permits them to take-off;

(3) any commander who, by his own negligence, causes the destruction of the prescribed flight records, or by his own negligence enters inaccurate information in these records.

For the following petty offenses there shall be punished by a fine not to exceed 1,000 dinars:

(1) any person who, without authorization, enters any landing or takeoff section of the airport, or who, without authorization, remains thereon, as well as any person who keeps or permits domestic animals thereon;

(2) any person who enters or operates an aircraft without authorization.

Art. 36a

In addition to the punishment for petty offenses specified in (a), nos. 4, 5, 6, 7 and 11 and (b) nos. 1-3, of the preceding Article, against the commander of an aircraft and members of the crew the protective measure of prohibiting their flying may be imposed.

The prohibition to fly shall be imposed for not more than six months.

Any person against whom this measure has been applied, shall lose his license for such time as he is prohibited to fly.

Art. 37

For the petty offenses specified in Article 36 committed by any aircraft enterprise or any commander of an aircraft, by members of the crew or individuals taking part in navigational or technical flight preparation, as well as by the personnel concerned with flight safety, administrative-penal proceedings shall be instituted and the original decision be handed down by the manager of the public airport.

For petty offenses specified in Article 36 committed on an aircraft in flight by persons specified in the preceding paragraph, proceedings shall be instituted and the original decision be handed down by the manager of the public airport having jurisdiction over the place from which the aircraft took off.

From the original decision of the manager of the airport, an appeal may be taken to the air navigation control [administration].

The air navigation control [administration] shall initiate administrative-penal proceedings for those petty offenses specified in Paragraph 1 of this Article in which, in addition to the punishment, the protective measure of a prohibition to fly shall be imposed, and for all other petty offenses against persons specified in Paragraph 1 of this Article it may take jurisdiction over already instituted proceedings, and hand down a decision at any stage thereof.

In the case of an appeal from an original decision by the air navigation control [administration] the next higher authority shall make the determination.

Administrative-penal proceedings for petty offenses specified in Article 36 of the present Decree committed by persons other than those specified in Paragraph 1 of this Article, shall be instituted by the judge for petty offenses.

Art. 38

The Airport Administration may detain, at the expense of the owner, any aircraft and crew whose papers are not in order, until the legal requirements have been satisfied.

VII. FINAL PROVISIONS

Art. 39

Rules for the enforcement of the present Decree shall be issued by the Ministry of Transportation of the F.P.R.Y.

Art. 40

The present Decree shall enter into force on the day of publication in the *Službeni List Federativne Narodne Republike Jugoslavije* [Official Gazette of the F.P.R.Y.].

MULTILATERAL

AND

BILATERAL (U.S.)

AGREEMENTS

1331

1. MULTILATERAL AGREEMENTS

THE WARSAW CONVENTION¹

[49 Stat. 3000; T. S. 876]
[Translation]²

CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING
TO INTERNATIONAL TRANSPORTATION BY AIR

THE PRESIDENT OF THE GERMAN REICH, THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE UNITED STATES OF BRAZIL, HIS MAJESTY THE KING OF THE BULGARIANS, THE PRESIDENT OF THE NATIONALIST GOVERNMENT OF CHINA, HIS MAJESTY THE KING OF DENMARK AND ICELAND, HIS MAJESTY THE KING OF EGYPT, HIS MAJESTY THE KING OF SPAIN, THE CHIEF OF STATE OF THE REPUBLIC OF ESTONIA, THE PRESIDENT OF THE REPUBLIC OF FINLAND, THE PRESIDENT OF THE FRENCH REPUBLIC, HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND, AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, THE PRESIDENT OF THE HELLENIC REPUBLIC, HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, HIS MAJESTY THE KING OF ITALY, HIS MAJESTY THE EMPEROR OF JAPAN, THE PRESIDENT OF THE REPUBLIC OF LATVIA, HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBURG, THE PRESIDENT OF THE UNITED MEXICAN STATES, HIS MAJESTY THE KING OF NORWAY, HER MAJESTY THE QUEEN OF THE NETHERLANDS, THE PRESIDENT OF THE REPUBLIC OF POLAND, HIS MAJESTY THE KING OF RUMANIA, HIS MAJESTY THE KING OF SWEDEN, THE SWISS FEDERAL COUNCIL, THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, THE CENTRAL EXECUTIVE COMMITTEE OF THE UNION OF SOVIET SOCIALIST REPUBLICS, THE PRESIDENT OF THE UNITED STATES OF VENEZUELA, HIS MAJESTY THE KING OF YUGOSLAVIA:

Having recognized the advantage of regulating in a uniform manner the conditions of international transportation by air in respect of the documents used for such transportation and of the liability of the carrier,

Have nominated to this end their respective Plenipotentiaries, who, being thereto duly authorized, have concluded and signed the following convention:

¹ Not the official title, but in common usage.

² The French text, as proclaimed, is the official text. The translation here given is reproduced from that contained in a proclamation by the President of the United States, dated October 29, 1934. For differences between this text and the British text, see *post*, p. 330.

WARSAW CONVENTION (PROTOCOL)

NOTE

A Protocol to the Warsaw Convention was opened for signature at The Hague on September 28, 1955. *It is not in force at the present writing, December 31, 1957, and has not been ratified by the United States.* However, having been signed by the representatives of 29 countries, including the United States, it is reproduced herein for convenient reference. The conditions necessary to bring the Protocol into force are set forth in Chapter III. Present signatures are:

Australia	Liechtenstein
Belgium	Luxembourg
Brazil	Mexico
Canada	The Netherlands
Czechoslovakia	New Zealand
Denmark	Norway
Egypt	Philippines
El Salvador	Poland
France	Portugal
Federal Republic of Germany	Rumania
Greece	Sweden
Hungary	Switzerland
Ireland	Union of Soviet Socialist Republics
Israel	United Kingdom
Italy	United States
Japan	Venezuela
Laos	Yugoslavia

The Protocol has been ratified by the following countries on the dates indicated:

Czechoslovakia	November 23, 1957
Egypt	April 26, 1956
El Salvador	September 17, 1956
Hungary	October 4, 1957
Laos	May 9, 1956
Luxembourg	February 13, 1957
Mexico	May 24, 1957
Poland	April 23, 1956
Rumania	December 3, 1958
Union of Soviet Socialist Republics	March 25, 1957

PROTOCOL TO AMEND THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO IN- TERNATIONAL CARRIAGE BY AIR SIGNED AT WAR- SAW ON 12 OCTOBER 1929

The Governments undersigned

Considering that it is desirable to amend the Convention for the Unification of certain Rules Relating to International Carriage by Air signed at Warsaw on 12 October 1929,

Have agreed as follows:

WARSAW CONVENTION

CHAPTER I. SCOPE—DEFINITIONS

Article 1

(1) This convention shall apply to all international transportation of persons, baggage, or goods performed by aircraft for hire. It shall apply equally to gratuitous transportation by aircraft performed by an air transportation enterprise.

(2) For the purposes of this convention the expression "international transportation" shall mean any transportation in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the transportation or a transshipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another power, even though that power is not a party to this convention. Transportation without such an agreed stopping place between territories subject to the sovereignty, suzerainty, mandate, or authority of the same High Contracting Party shall not be deemed to be international for the purposes of this convention.

(3) Transportation to be performed by several successive air carriers shall be deemed, for the purposes of this convention, to be one undivided transportation, if it has been regarded by the parties as a single operation, whether it has been agreed upon under the form of a single contract or of a series of contracts, and it shall not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate, or authority of the same High Contracting Party.

Article 2

(1) This convention shall apply to transportation performed by the state or by legal entities constituted under public law provided it falls within the conditions laid down in article 1.

(2) This convention shall not apply to transportation performed under the terms of any international postal convention.

WARSAW CONVENTION (PROTOCOL)

CHAPTER I

AMENDMENTS TO THE CONVENTION

Article I

In Article 1 of the Convention—

- (a) paragraph 2 shall be deleted and replaced by the following:

"2. For the purposes of this Convention, the expression *international carriage* means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties or within the territory of a single High Contracting Party if there is an agreed stopping place within the territory of another State, even if that State is not a High Contracting Party. Carriage between two points within the territory of a single High Contracting Party without an agreed stopping place within the territory of another State is not international carriage for the purposes of this Convention."

- (b) paragraph 3 shall be deleted and replaced by the following:

"3. Carriage to be performed by several successive air carriers is deemed, for the purposes of this Convention, to be one undivided carriage if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within the territory of the same State."

Article II

In Article 2 of the Convention—

paragraph 2 shall be deleted and replaced by the following:

"2. This Convention shall not apply to carriage of mail and postal packages."

WARSAW CONVENTION

CHAPTER II. TRANSPORTATION DOCUMENTS

SECTION I.—PASSENGER TICKET

Article 3

(1) For the transportation of passengers the carrier must deliver a passenger ticket which shall contain the following particulars:

- (a) The place and date of issue;
- (b) The place of departure and of destination;
- (c) The agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right, the alteration shall not have the effect of depriving the transportation of its international character;
- (d) The name and address of the carrier or carriers;
- (e) A statement that the transportation is subject to the rules relating to liability established by this convention.

(2) The absence, irregularity, or loss of the passenger ticket shall not affect the existence or the validity of the contract of transportation, which shall none the less be subject to the rules of this convention. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this convention which exclude or limit his liability.

WARSAW CONVENTION (PROTOCOL)

Article III

In Article 3 of the Convention—

- (a) paragraph 1 shall be deleted and replaced by the following:

“1. In respect of the carriage of passengers a ticket shall be delivered containing:

(a) an indication of the places of departure and destination;
(b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;

(c) a notice to the effect that, if the passenger's journey involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers for death or personal injury and in respect of loss of or damage to baggage.”

- (b) paragraph 2 shall be deleted and replaced by the following:

“2. The passenger ticket shall constitute *prima facie* evidence of the conclusion and conditions of the contract of carriage. The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if, with the consent of the carrier, the passenger embarks without a passenger ticket having been delivered, or if the ticket does not include the notice required by paragraph 1 (c) of this Article, the carrier shall not be entitled to avail himself of the provisions of Article 22.”

WARSAW CONVENTION

SECTION II.—BAGGAGE CHECK

Article 4

(1) For the transportation of baggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a baggage check.

(2) The baggage check shall be made out in duplicate, one part for the passenger and the other part for the carrier.

(3) The baggage check shall contain the following particulars:

(a) The place and date of issue;

(b) The place of departure and of destination;

(c) The name and address of the carrier or carriers;

(d) The number of the passenger ticket;

(e) A statement that delivery of the baggage will be made to the bearer of the baggage check;

(f) The number and weight of the packages;

(g) The amount of the value declared in accordance with article 22 (2);

(h) A statement that the transportation is subject to the rules relating to liability established by this convention.

(4) The absence, irregularity, or loss of the baggage check shall not affect the existence or the validity of the contract of transportation which shall none the less be subject to the rules of this convention. Nevertheless, if the carrier accepts baggage without a baggage check having been delivered, or if the baggage check does not contain the particulars set out at (d), (f), and (h) above, the carrier shall not be entitled to avail himself of those provisions of the convention which exclude or limit his liability.

WARSAW CONVENTION (PROTOCOL)

Article IV

In Article 4 of the Convention—

(a) paragraphs 1, 2, and 3 shall be deleted and replaced by the following:

"1. In respect of the carriage of registered baggage, a baggage check shall be delivered, which, unless combined with or incorporated in a passenger ticket which complies with the provisions of Article 3, paragraph 1, shall contain:

(a) an indication of the places of departure and destination;

(b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;

(c) a notice to the effect that; if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to baggage."

(b) paragraph 4 shall be deleted and replaced by the following:

"2. The baggage check shall constitute *prima facie* evidence of the registration of the baggage and of the conditions of the contract of carriage. The absence, irregularity or loss of the baggage check does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if the carrier takes charge of the baggage without a baggage check having been delivered or if the baggage check (unless combined with or incorporated in the passenger ticket which complies with the provisions of Article 3, paragraph 1 (c)) does not include the notice required by paragraph 1 (c) of this Article, he shall not be entitled to avail himself of the provisions of Article 22, paragraph 2."

WARSAW CONVENTION

SECTION III.—AIR WAYBILL

Article 5

(1) Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an "air waybill"; every consignor has the right to require the carrier to accept this document.

(2) The absence, irregularity, or loss of this document shall not affect the existence or the validity of the contract of transportation which shall, subject to the provisions of article 9, be none the less governed by the rules of this convention.

Article 6

(1) The air waybill shall be made out by the consignor in three original parts and be handed over with the goods.

(2) The first part shall be marked "for the carrier", and shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the goods. The third part shall be signed by the carrier and handed by him to the consignor after the goods have been accepted.

(3) The carrier shall sign on acceptance of the goods.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air waybill, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

Article 7

The carrier of goods has the right to require the consignor to make out separate waybills when there is more than one package.

WARSAW CONVENTION (PROTOCOL)

Article V

In Article 6 of the Convention—
paragraph 3 shall be deleted and replaced by the following:

“3. The carrier shall sign prior to the loading of the cargo on board the aircraft.”

WARSAW CONVENTION

Article 8

The air waybill shall contain the following particulars:

- (a) The place and date of its execution;
- (b) The place of departure and of destination;
- (c) The agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the transportation of its international character;
- (d) The name and address of the consignor;
- (e) The name and address of the first carrier;
- (f) The name and address of the consignee, if the case so requires;
- (g) The nature of the goods;
- (h) The number of packages, the method of packing, and the particular marks or numbers upon them;
- (i) The weight, the quantity, the volume, or dimensions of the goods;
- (j) The apparent condition of the goods and of the packing;
- (k) The freight, if it has been agreed upon, the date and place of payment, and the person who is to pay it;
- (l) If the goods are sent for payment on delivery, the price of the goods, and, if the case so requires, the amount of the expenses incurred;
- (m) The amount of the value declared in accordance with article 22 (2);
- (n) The number of parts of the air waybill;
- (o) The documents handed to the carrier to accompany the air waybill;
- (p) The time fixed for the completion of the transportation and a brief note of the route to be followed, if these matters have been agreed upon;
- (q) A statement that the transportation is subject to the rules relating to liability established by this convention.

Article 9

If the carrier accepts goods without an air waybill having been made out, or if the air waybill does not contain all the particulars set out in article 8 (a) to (i), inclusive, and (q), the carrier shall not be entitled to avail himself of the provisions of this convention which exclude or limit his liability.

WARSAW CONVENTION (PROTOCOL)

Article VI

Article 8 of the Convention shall be deleted and replaced by the following:

"The air waybill shall contain:

(a) an indication of the places of departure and destination;

(b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;

(c) a notice to the consignor to the effect that, if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to cargo."

Article VII

Article 9 of the Convention shall be deleted and replaced by the following:

"If, with the consent of the carrier, cargo is loaded on board the aircraft without an air waybill having been made out, or if the air waybill does not include the notice required by Article 8, paragraph (c), the carrier shall not be entitled to avail himself of the provisions of Article 22, paragraph 2."

WARSAW CONVENTION

Article 10

(1) The consignor shall be responsible for the correctness of the particulars and statements relating to the goods which he inserts in the air waybill.

(2) The consignor shall be liable for all damages suffered by the carrier or any other person by reason of the irregularity, incorrectness or incompleteness of the said particulars and statements.

Article 11

(1) The air waybill shall be *prima facie* evidence of the conclusion of the contract, of the receipt of the goods and of the conditions of transportation.

(2) The statements in the air waybill relating to the weight, dimensions, and packing of the goods, as well as those relating to the number of packages, shall be *prima facie* evidence of the facts stated; those relating to the quantity, volume, and condition of the goods shall not constitute evidence against the carrier except so far as they both have been, and are stated in the air waybill to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the goods.

Article 12

(1) Subject to his liability to carry out all his obligations under the contract of transportation, the consignor shall have the right to dispose of the goods by withdrawing them at the airport of departure or destination, or by stopping them in the course of the journey on any landing, or by calling for them to be delivered at the place of destination, or in the course of the journey to a person other than the consignee named in the air waybill, or by requiring them to be returned to the airport of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors, and he must repay any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the goods without requiring the production of the part of the air waybill delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air waybill.

(4) The right conferred on the consignor shall cease at the moment when that of the consignee begins in accordance with article 13, below. Nevertheless, if the consignee declines to accept the waybill or the goods, or if he cannot be communicated with, the consignor shall resume his right of disposition.

WARSAW CONVENTION (PROTOCOL)

Article VIII

In Article 10 of the Convention—
paragraph 2 shall be deleted and replaced by the following:

“2. The consignor shall indemnify the carrier against all damage suffered by him, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements furnished by the consignor.”

WARSAW CONVENTION

Article 13

(1) Except in the circumstances set out in the preceding article, the consignee shall be entitled, on arrival of the goods at the place of destination, to require the carrier to hand over to him the air waybill and to deliver the goods to him, on payment of the charges due and on complying with the conditions of transportation set out in the air waybill.

(2) Unless it is otherwise agreed, it shall be the duty of the carrier to give notice to the consignee as soon as the goods arrive.

(3) If the carrier admits the loss of the goods, or if the goods have not arrived at the expiration of seven days after the date on which they ought to have arrived, the consignee shall be entitled to put into force against the carrier the rights which flow from the contract of transportation.

Article 14

The consignor and the consignee can respectively enforce all the rights given them by articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

Article 15

(1) Articles 12, 13, and 14 shall not affect either the relations of the consignor and the consignee with each other or the relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of articles 12, 13, and 14 can only be varied by express provision in the air waybill.

Article 16

(1) The consignor must furnish such information and attach to the air waybill such documents as are necessary to meet the formalities of customs, octroi, or police before the goods can be delivered to the consignee. The consignor shall be liable to the carrier for any damage occasioned by the absence, insufficiency, or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his agents.

(2) The carrier is under no obligation to inquire into the correctness or sufficiency of such information or documents.

WARSAW CONVENTION (PROTOCOL)

Article IX

To Article 15 of the Convention—
the following paragraph shall be added:

“3. Nothing in this Convention prevents the issue of a negotiable air waybill.”

WARSAW CONVENTION

CHAPTER III. LIABILITY OF THE CARRIER

Article 17

The carrier shall be liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Article 18

(1) The carrier shall be liable for damage sustained in the event of the destruction or loss of, or of damage to, any checked baggage or any goods, if the occurrence which caused the damage so sustained took place during the transportation by air.

(2) The transportation by air within the meaning of the preceding paragraph shall comprise the period during which the baggage or goods are in charge of the carrier, whether in an airport or on board an aircraft, or, in the case of a landing outside an airport, in any place whatsoever.

(3) The period of the transportation by air shall not extend to any transportation by land, by sea, or by river performed outside an airport. If, however, such transportation takes place in the performance of a contract for transportation by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the transportation by air.

Article 19

The carrier shall be liable for damage occasioned by delay in the transportation by air of passengers, baggage, or goods.

Article 20

(1) The carrier shall not be liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(2) In the transportation of goods and baggage the carrier shall not be liable if he proves that the damage was occasioned by an error in piloting, in the handling of the aircraft, or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

Article 21

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

WARSAW CONVENTION (PROTOCOL)

Article X

Paragraph 2 of Article 20 of the Convention shall be deleted.

WARSAW CONVENTION

Article 22

(1) In the transportation of passengers the liability of the carrier for each passenger shall be limited to the sum of 125,000 francs. Where, in accordance with the law of the court to which the case is submitted, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed 125,000 francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

(2) In the transportation of checked baggage and of goods, the liability of the carrier shall be limited to a sum of 250 francs per kilogram, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of the value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier shall be limited to 5,000 francs per passenger.

(4) The sums mentioned above shall be deemed to refer to the French franc consisting of 65½ milligrams of gold at the standard of fineness of nine hundred thousandths. These sums may be converted into any national currency in round figures.

WARSAW CONVENTION (PROTOCOL)

Article XI

Article 22 of the Convention shall be deleted and replaced by the following:

"Article 22

1. In the carriage of persons the liability of the carrier for each passenger is limited to the sum of two hundred and fifty thousand francs. Where, in accordance with the law of the court seised of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed two hundred and fifty thousand francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

2. (a) In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of two hundred and fifty francs per kilogramme, unless the passenger or consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the passenger's or consignor's actual interest in delivery at destination.

(b) In the case of loss, damage or delay of part of registered baggage or cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the loss, damage or delay of a part of the registered baggage or cargo, or of an object contained therein, affects the value of other packages covered by the same baggage check or the same air waybill, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

3. As regards objects of which the passenger takes charge himself the liability of the carrier is limited to five thousand francs per passenger.

4. The limits prescribed in this article shall not prevent the court from awarding, in accordance with its own law, in addition, the whole or part of the court costs and of the other expenses of the litigation incurred by the plaintiff. The foregoing provision shall not apply if the amount of the damages awarded, excluding court costs and other expenses of the litigation, does not exceed the sum which the carrier has offered in writing to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.

5. The sums mentioned in francs in this Article shall be deemed to refer to a currency unit consisting of sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. These sums may be converted into national currencies in round figures. Conversion of the sums into national currencies other than gold shall, in case of judicial proceedings, be made according to the gold value of such currencies at the date of the judgment."

WARSAW CONVENTION

Article 23

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this convention shall be null and void, but the nullity of any such provision shall not involve the nullity of the whole contract, which shall remain subject to the provisions of this convention.

Article 24

(1) In the cases covered by articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this convention.

(2) In the cases covered by article 17 the provisions of the preceding paragraph shall also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

Article 25

(1) The carrier shall not be entitled to avail himself of the provisions of this convention which exclude or limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as, in accordance with the law of the court to which the case is submitted, is considered to be equivalent to wilful misconduct.

(2) Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused under the same circumstances by any agent of the carrier acting within the scope of his employment.

Article 26

(1) Receipt by the person entitled to the delivery of baggage or goods without complaint shall be *prima facie* evidence that the same have been delivered in good condition and in accordance with the document of transportation.

(2) In case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within 3 days from the date of receipt in the case of baggage and 7 days from the date of receipt in the case of goods. In case of delay the complaint must be made at the latest within 14 days from the date on which the baggage or goods have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of transportation or by separate notice in writing dispatched within the times aforesaid.

(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

WARSAW CONVENTION (PROTOCOL)

Article XII

In Article 23 of the Convention, the existing provision shall be re-numbered as paragraph 1 and another paragraph shall be added as follows:

"2. Paragraph 1 of this Article shall not apply to provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried."

Article XIII

In Article 25 of the Convention—paragraphs 1 and 2 shall be deleted and replaced by the following:

"The limits of liability specified in Article 22 shall not apply if it is proved that the damage resulted from an act or omission of the carrier, his servants or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result; provided that, in the case of such act or omission of a servant or agent, it is also proved that he was acting within the scope of his employment."

Article XIV

After Article 25 of the Convention, the following article shall be inserted:

"Article 25 A

1. If an action is brought against a servant or agent of the carrier arising out of damage to which this Convention relates, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the limits of liability which that carrier himself is entitled to invoke under Article 22.

2. The aggregate of the amounts recoverable from the carrier, his servants and agents, in that case, shall not exceed the said limits.

3. The provisions of paragraphs 1 and 2 of this article shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with knowledge that damage would probably result."

Article XV

In Article 26 of the Convention—paragraph 2 shall be deleted and replaced by the following:

"2. In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within seven days from the date of receipt in the case of baggage and fourteen days from the date of receipt in the case of cargo. In the case of delay the complaint must be made at the latest within twenty-one days from the date on which the baggage or cargo have been placed at his disposal."

WARSAW CONVENTION

Article 27

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this convention against those legally representing his estate.

Article 28

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the court of the domicile of the carrier or of his principal place of business, or where he has a place of business through which the contract has been made, or before the court at the place of destination.

(2) Questions of procedure shall be governed by the law of the court to which the case is submitted.

Article 29

(1) The right to damages shall be extinguished if an action is not brought within 2 years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the transportation stopped.

(2) The method of calculating the period of limitation shall be determined by the law of the court to which the case is submitted.

Article 30

(1) In the case of transportation to be performed by various successive carriers and falling within the definition set out in the third paragraph of article 1, each carrier who accepts passengers, baggage or goods shall be subject to the rules set out in this convention, and shall be deemed to be one of the contracting parties to the contract of transportation insofar as the contract deals with that part of the transportation which is performed under his supervision.

(2) In the case of transportation of this nature, the passenger or his representative can take action only against the carrier who performed the transportation during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) As regards baggage or goods, the passenger or consignor shall have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery shall have a right of action against the last carrier, and further, each may take action against the carrier who performed the transportation during which the destruction, loss, damage, or delay took place. These carriers shall be jointly and severally liable to the passenger or to the consignor or consignee.

WARSAW CONVENTION

CHAPTER IV. PROVISIONS RELATING TO COMBINED TRANSPORTATION

Article 31

(1) In the case of combined transportation performed partly by air and partly by any other mode of transportation, the provisions of this convention shall apply only to the transportation by air, provided that the transportation by air falls within the terms of article 1.

(2) Nothing in this convention shall prevent the parties in the case of combined transportation from inserting in the document of air transportation conditions relating to other modes of transportation, provided that the provisions of this convention are observed as regards the transportation by air.

CHAPTER V. GENERAL AND FINAL PROVISIONS

Article 32

Any clause contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the transportation of goods arbitration clauses shall be allowed, subject to this convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of article 28.

Article 33

Nothing contained in this convention shall prevent the carrier either from refusing to enter into any contract of transportation or from making regulations which do not conflict with the provisions of this convention.

Article 34

This convention shall not apply to international transportation by air performed by way of experimental trial by air navigation enterprises with the view to the establishment of regular lines of air navigation, nor shall it apply to transportation performed in extraordinary circumstances outside the normal scope of an air carrier's business.

Article 35

The expression "days" when used in this convention means current days, not working days.

WARSAW CONVENTION (PROTOCOL)

Article XVI

Article 34 of the Convention shall be deleted and replaced by the following:

“The provisions of Articles 3 to 9 inclusive relating to documents of carriage shall not apply in the case of carriage performed in extraordinary circumstances outside the normal scope of an air carrier’s business.”

WARSAW CONVENTION

Article 36

This convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall be sent by the Polish Government to the Government of each of the High Contracting Parties.

Article 37

(1) This convention shall be ratified. The instruments of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of Poland, which shall give notice of the deposit to the Government of each of the High Contracting Parties.

(2) As soon as this convention shall have been ratified by five of the High Contracting Parties it shall come into force as between them on the ninetieth day after the deposit of the fifth ratification. Thereafter it shall come into force between the High Contracting Parties which shall have ratified and the High Contracting Party which deposits its instrument of ratification on the ninetieth day after the deposit.

(3) It shall be the duty of the Government of the Republic of Poland to notify the Government of each of the High Contracting Parties of the date on which this convention comes into force as well as the date of the deposit of each ratification.

Article 38

(1) This convention shall, after it has come into force, remain open for adherence by any state.

(2) The adherence shall be effected by a notification addressed to the Government of the Republic of Poland, which shall inform the Government of each of the High Contracting Parties thereof.

(3) The adherence shall take effect as from the ninetieth day after the notification made to the Government of the Republic of Poland.

Article 39

(1) Any one of the High Contracting Parties may denounce this convention by a notification addressed to the Government of the Republic of Poland, which shall at once inform the Government of each of the High Contracting Parties.

(2) Denunciation shall take effect six months after the notification of denunciation, and shall operate only as regards the party which shall have proceeded to denunciation.

WARSAW CONVENTION

Article 40

(1) Any High Contracting Party may, at the time of signature or of deposit of ratification or of adherence, declare that the acceptance which it gives to this convention does not apply to all or any of its colonies, protectorates, territories under mandate, or any other territory subject to its sovereignty or its authority, or any other territory under its suzerainty.

(2) Accordingly any High Contracting Party may subsequently adhere separately in the name of all or any of its colonies, protectorates, territories under mandate, or any other territory subject to its sovereignty or to its authority or any other territory under its suzerainty which have been thus excluded by its original declaration.

(3) Any High Contracting Party may denounce this convention, in accordance with its provisions, separately or for all or any of its colonies, protectorates, territories under mandate, or any other territory subject to its sovereignty or to its authority, or any other territory under its suzerainty.

WARSAW CONVENTION (PROTOCOL)

Article XVII

After Article 40 of the Convention, the following Article shall be inserted:

"Article 40 A

1. In Article 37, paragraph 2 and Article 40, paragraph 1, the expression *High Contracting Party* shall mean *State*. In all other cases, the expression *High Contracting Party* shall mean a State whose ratification of or adherence to the Convention has become effective and whose denunciation thereof has not become effective.

2. For the purposes of the Convention the word *territory* means not only the metropolitan territory of a State but also all other territories for the foreign relations of which that State is responsible."

WARSAW CONVENTION

Article 41

Any High Contracting Party shall be entitled not earlier than two years after the coming into force of this convention to call for the assembling of a new international conference in order to consider any improvements which may be made in this convention. To this end it will communicate with the Government of the French Republic which will take the necessary measures to make preparations for such conference.

This convention, done at Warsaw on October 12, 1929, shall remain open for signature until January 31, 1930.

For Germany:

R. RICHTER

Dr. A. WEGERDT

Dr. E. ALBRECHT

Dr. OTTO RIESE

For Austria:

STROBELE

REINOEHL

For Belgium:

BERNARD DE L'ESCAILLE

For the United States of Brazil:

ALCIBLADES PEÇANHA

*For Bulgaria:**For China:**For Denmark:*

L. INGERSLEV

KNUD GREGERSEN

*For Egypt:**For Spain:*

SILVIO FERNANDEZ-VALLIN

*For Estonia:**For Finland:**For France:*

PIERRE ÉTIENNE FLANDIN

GEORGES RIPERT

For Great Britain and Northern Ireland:

A. H. DENNIS

ORME CLARKE

R. L. MEGARRY

For the Commonwealth of Australia:

A. H. DENNIS

ORME CLARKE

R. L. MEGARRY

For the Union of South Africa:

A. H. DENNIS

ORME CLARKE

R. L. MEGARRY

For the Hellenic Republic:

G. C. LAGOUDAKIS

*For Hungary:**For Italy:*

A. GIANNINI

WARSAW CONVENTION (PROTOCOL)

CHAPTER II

SCOPE OF APPLICATION OF THE CONVENTION AS AMENDED

Article XVIII

The Convention as amended by this Protocol shall apply to international carriage as defined in Article 1 of the Convention, provided that the places of departure and destination referred to in that Article are situated either in the territories of two parties to this Protocol or within the territory of a single party to this Protocol with an agreed stopping place within the territory of another State.

CHAPTER III

FINAL CLAUSES

Article XIX

As between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as one single instrument and shall be known as the *Warsaw Convention as amended at The Hague, 1955*.

Article XX

Until the date on which this Protocol comes into force in accordance with the provisions of Article XXII, paragraph 1, it shall remain open for signature on behalf of any State which up to that date has ratified or adhered to the Convention or which has participated in the Conference at which this Protocol was adopted.

Article XXI

1. This Protocol shall be subject to ratification by the signatory States.

2. Ratification of this Protocol by any State which is not a Party to the Convention shall have the effect of adherence to the Convention as amended by this Protocol.

3. The instruments of ratification shall be deposited with the Government of the People's Republic of Poland.

Article XXII

1. As soon as thirty signatory States have deposited their instruments of ratification of this Protocol, it shall come into force between them on the ninetieth day after the deposit of the thirtieth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.

2. As soon as this Protocol comes into force it shall be registered with the United Nations by the Government of the People's Republic of Poland.

WARSAW CONVENTION

For Japan:

KAZUO NISHIKAWA

For Latvia:

M. NUKŠA

For Luxemburg:

E. ARENDT

*For Mexico:**For Norway:*

N. CHR. DITLEFF

For the Netherlands:

W. B. ENGELBRECHT

For Poland:

AUGUSTE ZALESKI

ALFONS KÜHN

For Rumania:

G. CRETZIANO

*For Sweden:**For Switzerland:*

EDM. PITTARD

Dr. F. HESS

For Czechoslovakia:

Dr. V. GIRSA

For the Union of Soviet Socialist Republics:

KOTZUBINSKY

*For Venezuela:**For Yugoslavia:*

IVO DE GIULI

Additional Protocol

With Reference to Article 2

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of adherence that the first paragraph of article 2 of this convention shall not apply to international transportation by air performed directly by the state, its colonies, protectorates, or mandated territories, or by any other territory under its sovereignty, suzerainty, or authority.

For Germany:

R. RICHTER

Dr. A. WEGERT

Dr. E. ALBRECHT

Dr. OTTO RIESE

For Austria:

STROBELE

REINOEHL

For Belgium:

BERNARD DE L'ESCAILLE

For the United States of Brazil:

ALCIBIADES PEÇANHA

*For Bulgaria:**For China:**For Denmark:*

L. INGERSLEV

KNUD GREGERSEN

WARSAW CONVENTION (PROTOCOL)

Article XXIII

1. This Protocol shall, after it has come into force, be open for adherence by any non-signatory State.

2. Adherence to this Protocol by any State which is not a Party to the Convention shall have the effect of adherence to the Convention as amended by this Protocol.

3. Adherence shall be effected by the deposit of an instrument of adherence with the Government of the People's Republic of Poland and shall take effect on the ninetieth day after the deposit.

Article XXIV

1. Any Party to this Protocol may denounce the Protocol by notification addressed to the Government of the People's Republic of Poland.

2. Denunciation shall take effect six months after the date of receipt by the Government of the People's Republic of Poland of the notification of denunciation.

3. As between the Parties to this Protocol, denunciation by any of them of the Convention in accordance with Article 39 thereof shall not be construed in any way as a denunciation of the Convention as amended by this Protocol.

Article XXV

1. This Protocol shall apply to all territories for the foreign relations of which a State Party to this Protocol is responsible, with the exception of territories in respect of which a declaration has been made in accordance with paragraph 2 of this Article.

2. Any State may, at the time of deposit of its instrument of ratification or adherence, declare that its acceptance of this Protocol does not apply to any one or more of the territories for the foreign relations of which such State is responsible.

3. Any State may subsequently, by notification to the Government of the People's Republic of Poland, extend the application of this Protocol to any or all of the territories regarding which it has made a declaration in accordance with paragraph 2 of this Article. The notification shall take effect on the ninetieth day after its receipt by that Government.

4. Any State Party to this Protocol may denounce it, in accordance with the provisions of Article XXIV, paragraph 1, separately for any or all of the territories for the foreign relations of which such State is responsible.

Article XXVI

No reservation may be made to this Protocol except that a State may at any time declare by a notification addressed to the Government of the People's Republic of Poland that the Convention as amended by this Protocol shall not apply to the carriage of persons, cargo and baggage for its military authorities on aircraft, registered in that State, the whole capacity of which has been reserved by or on behalf of such authorities.

WARSAW CONVENTION

- For Egypt:*
For Spain:
SILVIO FERNANDEZ-VALLIN
For Estonia:
For Finland:
For France:
PIERRE ÉTIENNE FLANDIN
GEORGES RIPERT
For Great Britain and Northern Ireland:
A. H. DENNIS
ORME CLARKE
R. L. MEGARRY
For the Commonwealth of Australia:
A. H. DENNIS
ORME CLARKE
R. L. MEGARRY
For the Union of South Africa:
A. H. DENNIS
ORME CLARKE
R. L. MEGARRY
For the Hellenic Republic:
G. C. LAGOUDAKIS
For Hungary:
For Italy:
A. GIANNINI
For Japan:
KAZUO NISHIKAWA
For Latvia:
M. NUKŠA
For Luxemburg:
E. ARENDT
For Mexico:
For Norway:
N. CHR. DITLEFF
For the Netherlands:
W. B. ENGELBRECHT
For Poland:
AUGUSTE ZALESKI
ALFONS KÜHN
For Rumania:
G. CRETZIANO
For Sweden:
For Switzerland:
EDM. PITTARD
Dr. F. HESS
For Czechoslovakia:
Dr. V. GIRSA
For the Union of Soviet Socialist Republics:
KOTZUBINSKY
For Venezuela:
For Yugoslavia:
IVO DE GIULI

WARSAW CONVENTION (PROTOCOL)

Article XXVII

The Government of the People's Republic of Poland shall give immediate notice to the Governments of all States signatories to the Convention or this Protocol, all States Parties to the Convention or this Protocol, and all States Members of the International Civil Aviation Organization or of the United Nations and to the International Civil Aviation Organization:

- (a) of any signature of this Protocol and the date thereof;
- (b) of the deposit of any instrument of ratification or adherence in respect of this Protocol and the date thereof;
- (c) of the date on which this Protocol comes into force in accordance with Article XXII, paragraph 1;
- (d) of the receipt of any notification of denunciation and the date thereof;
- (e) of the receipt of any declaration or notification made under Article XXV and the date thereof; and
- (f) of the receipt of any notification made under Article XXVI and the date thereof.

In Witness Whereof the undersigned Plenipotentiaries, having been duly authorized, have signed this Protocol.

Done at The Hague on the twenty-eighth day of the month of September of the year One Thousand Nine Hundred and Fifty-five, in three authentic texts in the English, French and Spanish languages. In the case of any inconsistency, the text in the French language, in which language the Convention was drawn up, shall prevail.

This Protocol shall be deposited with the Government of the People's Republic of Poland with which, in accordance with Article XX, it shall remain open for signature, and that Government shall send certified copies thereof to the Governments of all States signatories to the Convention or this Protocol, all States Parties to the Convention or this Protocol, and all States Members of the International Civil Aviation Organization or of the United Nations, and to the International Civil Aviation Organization.

WARSAW CONVENTION

AND WHEREAS the said convention came into force on February 13, 1933, and, pursuant to a provision of the first paragraph of Article 38, remained open thereafter for adherence by any state;

AND WHEREAS the said convention and the said additional protocol have been definitively adhered to by the United States of America, subject to the reservation, as is provided for in the additional protocol, that the first paragraph of Article 2 of the convention shall not apply to international transportation that may be performed by the United States of America or any territory or possession under its jurisdiction, and the instrument of adherence was deposited in the archives of the Ministry for Foreign Affairs of Poland on July 31, 1934;

AND WHEREAS, in accordance with the third paragraph of Article 38 of the convention, the adherence of the United States of America took effect from the ninetieth day after the said day of deposit, namely, from the twenty-ninth day of October, one thousand nine hundred and thirty-four;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention and additional protocol to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof, subject to the reservation aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-ninth day of October, in the year of our Lord one thousand nine hundred and thirty-four, and of the Independence of the United States of America the one hundred and fifty-ninth.

FRANKLIN D. ROOSEVELT

By the President:

WILLIAM PHILLIPS

Acting Secretary of State.

EDITOR'S NOTE

The foregoing convention has been ratified or adhered to by the following countries on the dates indicated:

Argentina.....	March 21, 1952
Australia ¹	August 1, 1935
Belgium.....	July 13, 1936
Brazil.....	May 2, 1931
Bulgaria.....	June 25, 1949
Burma ²	February 24, 1938
Canada ³	June 10, 1947
Ceylon.....	December 3, 1934
Czechoslovakia.....	November 17, 1934
Denmark.....	July 3, 1937
Egypt.....	September 6, 1955
Ethiopia.....	August 14, 1950
Finland.....	July 3, 1937
France ⁴	November 15, 1932
Germany.....	September 30, 1933
Ghana.....	December 3, 1934
Greece.....	January 11, 1938
Hungary.....	May 29, 1936

¹ Including Nauru, New Guinea, Norfolk Island and Papua.

² Considers itself bound without interruption.

³ Subject to reservation on first paragraph of Article 2.

⁴ Including colonies.

WARSAW CONVENTION

Iceland.....	August 21, 1948
India.....	November 20, 1934
Indonesia ⁵	July 1, 1933
Ireland.....	September 20, 1935
Israel.....	October 8, 1949
Italy ⁶	February 14, 1933
Japan.....	May 20, 1953
Laos.....	May 9, 1956
Latvia.....	November 15, 1932
Liberia.....	May 2, 1942
Liechtenstein.....	May 9, 1934
Luxemburg.....	October 7, 1949
Malaya, Federation.....	July 4, 1936
Mexico.....	February 14, 1933
Morocco.....	January 5, 1958
Netherlands ⁷	July 1, 1933
New Zealand.....	April 6, 1937
Norway.....	July 3, 1937
Pakistan ⁸	
Philippines.....	November 9, 1950
Poland ⁹	November 15, 1932
Portugal.....	March 20, 1947
Rumania.....	July 8, 1931
Spain ¹⁰	March 31, 1930
Sweden.....	July 3, 1937
Switzerland.....	May 9, 1934
Union of South Africa ¹¹	December 22, 1954
Union of Soviet Socialist Republics.....	August 20, 1934
United Kingdom ¹²	February 14, 1933
United Kingdom for—	
Aden (colony).....	February 24, 1938
(protectionate).....	September 14, 1938
Bahamas.....	December 3, 1934
Barbados.....	December 3, 1934
Basutoland.....	September 2, 1952
Bechuanaland.....	September 2, 1952
Bermuda.....	December 3, 1934
British Guiana.....	December 3, 1934
British Honduras.....	December 3, 1934
Brunei.....	July 4, 1936
Cameroons.....	December 3, 1934
Channel Islands and Isle of Man.....	February 14, 1933
Cyprus.....	December 3, 1934
Falkland Islands and dependencies.....	December 3, 1934
Fiji Islands.....	December 3, 1934
Gambia.....	December 3, 1934
Gibraltar.....	December 3, 1934
Gilbert and Ellice Islands.....	December 3, 1934
Hong Kong.....	December 3, 1934
Jamaica (including Turks, Caicos, and Cayman Islands).....	December 3, 1934
Kenya.....	December 3, 1934
Leeward Islands:	
Antigua, Dominica, ¹³ Montserrat, St. Christopher and	
Nevis, Virgin Islands.....	December 3, 1934

⁵ Informed Government of Poland on February 2, 1952, that it considers itself obligated by Convention without interruption by ratification on its behalf by Netherlands in 1933.

⁶ Including colonies and insular possessions in the Aegean Sea.

⁷ Including Netherlands East Indies, Curacao, and Surinam.

⁸ By note dated January 22, 1948, from Karachi, convention "continued to be applicable to Pakistan."

⁹ Including free city of Danzig.

¹⁰ Including colonies and Spanish Morocco.

¹¹ Also includes Territory of South West Africa.

¹² Not including colonies, protectorates, territories under mandate, or any other territory.

¹³ Since January 1, 1940, Dominica has been considered one of the Windward Islands.

WARSAW CONVENTION

United Kingdom for—Continued

Malta.....	December 3, 1934
Mauritius.....	December 3, 1934
Nigeria.....	December 3, 1934
North Borneo.....	July 4, 1936
Northern Rhodesia.....	December 3, 1934
Nyasaland.....	December 3, 1934
St. Helena and Ascension.....	December 3, 1934
Sarawak.....	July 4, 1936
Seychelles.....	December 3, 1934
Sierra Leone.....	December 3, 1934
Singapore.....	December 3, 1934
Solomon Islands.....	December 3, 1934
Somaliland.....	December 3, 1934
Southern Rhodesia.....	January 3, 1935
Straits Settlements.....	December 3, 1934
Swaziland.....	September 2, 1952
Tanganyika.....	December 3, 1934
Tonga.....	July 4, 1936
Trans-Jordan ¹⁴	December 17, 1937
Trinidad and Tobago.....	December 3, 1934
Uganda.....	December 3, 1934
Viet-Nam.....	September 29, 1958
Windward Islands: Grenada, St. Lucia, St. Vincent.....	December 3, 1934
Zanzibar.....	December 3, 1934
United States ¹⁵	July 31, 1934
Venezuela.....	June 15, 1955
Yugoslavia.....	May 27, 1931

¹⁴ Continues applicable to Jordan 6 UNTS 143.

¹⁵ Subject to the reservation that the first paragraph of Article 2 of the Convention shall not apply to international transportation that may be performed by the United States of America or any territory or possession under its jurisdiction.

TRANSLATION DIFFERENCES IN THE UNITED STATES AND BRITISH TEXTS OF THE WARSAW CONVENTION

Listed below in the right-hand column are the terms used in the British translation in lieu of those used in the United States translation listed in the left-hand column.

<i>United States</i>	<i>British</i>
(1) future tense "the Convention shall apply."	present tense "this Convention applies"
(2) transportation.....	carriage
(3) Baggage check.....	Luggage Ticket
(4) Air Waybill.....	Air Consignment Note
(5) Airport.....	Airdrome
(6) checked baggage.....	registered luggage
(7) error in piloting.....	negligent pilotage
(8) Court to which the case is submitted.....	Court seized of the case
(9) domiciled.....	ordinarily resident
(10) adherence.....	accession

CONVENTION ON INTERNATIONAL CIVIL AVIATION

[61 Stat. 1180]

PREAMBLE

WHEREAS the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

WHEREAS it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

THEREFORE, the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically;

Have accordingly concluded this Convention to that end.

PART I—AIR NAVIGATION

CHAPTER I

GENERAL PRINCIPLES AND APPLICATION OF THE CONVENTION

Article 1

Sovereignty

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Article 2

Territory

For the purpose of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Article 3

Civil and state aircraft

(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.

(b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.

(c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.

(d) The contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

Article 4

Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.

Misuse of civil aviation

CHAPTER II

FLIGHT OVER TERRITORY OF CONTRACTING STATES

Article 5

Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flights.

Right of non-scheduled flight

Such aircraft, if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

Article 6

No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

Scheduled air services

Article 7

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried

Cabotage

for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

Article 8

Pilotless aircraft

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft.

Article 9

Prohibited areas

(a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein, shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization.

(b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to aircraft of all other States.

(c) Each contracting State, under such regulations as it may prescribe, may require any aircraft entering the areas contemplated in subparagraphs (a) or (b) above to effect a landing as soon as practicable thereafter at some designated airport within its territory.

Article 10

Landing at customs airport

Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without

landing, every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention for communication to all other contracting States.

Article 11

Subject to the provisions of this Convention, the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Applicability of
air regulations

Article 12

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

Rules of the air

Article 13

The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

Entry and
clearance
regulations

Article 14

Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever,

Prevention of
spread of
disease

plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.

Article 15

Airport and
similar
charges

Every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other contracting States. The like uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher,

(a) As to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operations, and

(b) As to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the International Civil Aviation Organization: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

Article 16

Search of
aircraft

The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention.

CHAPTER III

NATIONALITY OF AIRCRAFT

Article 17

Aircraft have the nationality of the State in which they are registered. Nationality of aircraft

Article 18

An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another. Dual registration

Article 19

The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations. National laws governing registration

Article 20

Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks. Display of marks

Article 21

Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. In addition, each contracting State shall furnish reports to the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other contracting States. Report of registrations

CHAPTER IV

MEASURES TO FACILITATE AIR NAVIGATION

Article 22

Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance. Facilitation of formalities

Article 23

Customs and
immigration
procedures

Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

Article 24

Customs duty

(a) Aircraft on a flight to, from, or across the territory of another contracting State shall be admitted temporarily free of duty, subject to the customs regulations of the State. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a contracting State, on arrival in the territory of another contracting State and retained on board on leaving the territory of that State shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded, except in accordance with the customs regulations of the State, which may require that they shall be kept under customs supervision.

(b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of customs duty, subject to compliance with the regulations of the State concerned, which may provide that the articles shall be kept under customs supervision and control.

Article 25

Aircraft in
distress

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.

Article 26

Investigation
of accidents

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the proce-

ture which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

Article 27

(a) While engaged in international air navigation, any authorized entry of aircraft of a contracting State into the territory of another contracting State or authorized transit across the territory of such State with or without landings shall not entail any seizure or detention of the aircraft or any claim against the owner or operator thereof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing exemption from seizure or detention of the aircraft shall in any case be required in the State entered by such aircraft.

Exemption
from seizure
on patent
claims

(b) The provisions of paragraph (a) of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a contracting State in the territory of any other contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the contracting State entered by the aircraft.

(c) The benefits of this Article shall apply only to such States, parties to this Convention, as either (1) are parties to the International Convention for the Protection of Industrial Property and to any amendments thereof; or (2) have enacted patent laws which recognize and give adequate protection to inventions made by the nationals of the other States parties to this Convention.

Article 28

Each contracting State undertakes, so far as it may find practicable to:

(a) Provide, in its territory, airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;

(b) Adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting and other operational prac-

Air navigation
facilities and
standard
systems

tices and rules which may be recommended or established from time to time, pursuant to this Convention;

(c) Collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time, pursuant to this Convention.

CHAPTER V

CONDITIONS TO BE FULFILLED WITH RESPECT TO AIRCRAFT

Article 29

Documents
carried in
aircraft

Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

- (a) Its certificate of registration;
- (b) Its certificate of airworthiness;
- (c) The appropriate licenses for each member of the crew;
- (d) Its journey log book;
- (e) If it is equipped with radio apparatus, the aircraft radio station license;
- (f) If it carries passengers, a list of their names and places of embarkation and destination;
- (g) If it carries cargo, a manifest and detailed declarations of the cargo.

Article 30

Aircraft radio
equipment

(a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

Article 31

Certificates of
airworthiness

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Article 32

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

Licenses of
personnel

(b) Each contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

Article 33

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

Recognition
of certificates
and licenses

Article 34

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

Journey log
books

Article 35

(a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

Cargo restric-
tions

(b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

Article 36

Photographic
apparatus

Each contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

CHAPTER VI

INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES

Article 37

Adoption of
international
standards
and proce-
dures

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:

- (a) Communications systems and air navigation aids, including ground marking;
 - (b) Characteristics of airports and landing areas;
 - (c) Rules of the air and air traffic control practices;
 - (d) Licensing of operating and mechanical personnel;
 - (e) Airworthiness of aircraft;
 - (f) Registration and identification of aircraft;
 - (g) Collection and exchange of meteorological information;
 - (h) Log books;
 - (i) Aeronautical maps and charts;
 - (j) Customs and immigration procedures;
 - (k) Aircraft in distress and investigation of accidents;
- and such other matters concerned with the safety regularity, and efficiency of air navigation as may from time to time appear appropriate.

Article 38

Departures
from interna-
tional stand-
ards and
procedures

Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own

regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other states of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

Article 39

(a) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

Endorsement
of certificates
and licenses

(b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

Article 40

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

Validity of
endorsed
certificates
and licenses

Article 41

The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

Recognition of
existing stand-
ards of air-
worthiness

Article 42

The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

Recognition of
existing stand-
ards of com-
petency of
personnel

PART II—THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

CHAPTER VII

THE ORGANIZATION

Article 43

Name and composition

An organization to be named the International Civil Aviation Organization is formed by the Convention. It is made up of an Assembly, a Council, and such other bodies as may be necessary.

Article 44

Objectives

The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

(a) Insure the safe and orderly growth of international civil aviation throughout the world;

(b) Encourage the arts of aircraft design and operation for peaceful purposes;

(c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;

(d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

(e) Prevent economic waste caused by unreasonable competition;

(f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;

(g) Avoid discrimination between contracting States;

(h) Promote safety of flight in international air navigation;

(i) Promote generally the development of all aspects of international civil aeronautics.

Article 45

Permanent seat

The permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944.¹ The seat may be temporarily transferred elsewhere by decision of the Council.

Article 46

First meeting of Assembly

The first meeting of the Assembly shall be summoned by the Interim Council of the above-mentioned Provi-

¹ The permanent seat has been established at Montreal, Canada.

sional Organization as soon as the Convention has come into force, to meet at a time and place to be decided by the Interim Council.

Article 47

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

Legal capacity

CHAPTER VIII

THE ASSEMBLY

Article 48

(a) The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary General.²

Meetings of
Assembly and
voting

(b) All contracting States shall have an equal right to be represented at the meetings of the Assembly and each contracting State shall be entitled to one vote. Delegates representing contracting States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

(c) A majority of the contracting States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided in this Convention, decisions of the Assembly shall be taken by a majority of the votes cast.

Article 49

The powers and duties of the Assembly shall be to:

Powers and
duties of
Assembly

(a) Elect at each meeting its President and other officers;

(b) Elect the contracting States to be represented on the Council, in accordance with the provisions of Chapter IX;

(c) Examine and take appropriate action on the reports of the Council and decide on any matter referred to it by the Council;

(d) Determine its own rules of procedure and establish such subsidiary commissions as it may consider to be necessary or desirable;

(e) Vote an annual budget and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII;

(f) Review expenditures and approve the accounts of the Organization;

² On December 12, 1956, there came into force an amendment to 48 (a) providing for an Assembly meeting once every 3 years instead of annually. See protocol *post* p. 384.

(g) Refer, at its discretion, to the Council, to subsidiary commissions, or to any other body any matter within its sphere of action;

(h) Delegate to the Council the powers and authority necessary or desirable for the discharge of the duties of the Organization and revoke or modify the delegations of authority at any time;

(i) Carry out the appropriate provisions of Chapter XIII;

(j) Consider proposals for the modification or amendment of the provisions of this Convention and, if it approves of the proposals, recommend them to the contracting States in accordance with the provisions of Chapter XXI;

(k) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

CHAPTER IX

THE COUNCIL

Article 50

Composition
and election
of Council

(a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of twenty-one contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.

(b) In electing the members of the Council, the Assembly shall give adequate representation to (1) the States of chief importance in air transport; (2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the States not otherwise included whose designation will insure that all the major geographic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; and contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

(c) No representative of a contracting State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

Article 51

President of
Council

The Council shall elect its President for a term of three years. He may be reelected. He shall have no vote. The Council shall elect from among its members

one or more Vice Presidents who shall retain their right to vote when serving as acting President. The President need not be selected from among the representatives of the members of the Council but, if a representative is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The duties of the President shall be to:

- (a) Convene meetings of the Council, the Air Transport Committee, and the Air Navigation Commission;
- (b) Serve as representative of the Council; and
- (c) Carry out on behalf of the Council the functions which the Council assigns to him.

Article 52

Decisions by the Council shall require approval by a majority of its members. The Council may delegate authority with respect to any particular matter to a committee of its members. Decisions of any committee of the Council may be appealed to the Council by any interested contracting State.

Voting in
Council

Article 53

Any contracting State may participate, without a vote, in the consideration by the Council and by its committees and commissions of any question which especially affects its interests. No member of the Council shall vote in the consideration by the Council of a dispute to which it is a party.

Participation
without a vote

Article 54

The Council shall:

- (a) Submit annual reports to the Assembly;
- (b) Carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention;
- (c) Determine its organization and rules of procedure;
- (d) Appoint and define the duties of an Air Transport Committee, which shall be chosen from among the representatives of the members of the Council, and which shall be responsible to it;
- (e) Establish an Air Navigation Commission, in accordance with the provisions of Chapter X;
- (f) Administer the finances of the Organization in accordance with the provisions of Chapters XII and XV;
- (g) Determine the emoluments of the President of the Council;
- (h) Appoint a chief executive officer who shall be called the Secretary General, and make provision for the appointment of such other personnel as may be necessary, in accordance with the provisions of Chapter XI;

Mandatory
functions of
Council

(i) Request, collect, examine and publish information relating to the advancement of air navigation and the operation of international air services, including information about the costs of operation and particulars of subsidies paid to airlines from public funds;

(j) Report to contracting States any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council;

(k) Report to the Assembly any infraction of this Convention where a contracting State has failed to take appropriate action within a reasonable time after notice of the infraction;

(l) Adopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices; for convenience, designate them as Annexes to this Convention; and notify all contracting States of the action taken;

(m) Consider recommendations of the Air Navigation Commission for amendment of the Annexes and take action in accordance with the provisions of Chapter XX;

(n) Consider any matter relating to the Convention which any contracting State refers to it.

Article 55

The Council may:

Permissive
functions of
Council

(a) Where appropriate and as experience may show to be desirable, create subordinate air transport commissions on a regional or other basis and define groups of states or airlines with or through which it may deal to facilitate the carrying out of the aims of this Convention;

(b) Delegate to the Air Navigation Commission duties additional to those set forth in the Convention and revoke or modify such delegations of authority at any time;

(c) Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its research to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters;

(d) Study any matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services on trunk routes, and submit to the Assembly plans in relation thereto;

(e) Investigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation; and, after such investigation, issue such reports as may appear to it desirable.

CHAPTER X

THE AIR NAVIGATION COMMISSION

Article 56

The Air Navigation Commission shall be composed of twelve members appointed by the Council from among persons nominated by contracting States. These persons shall have suitable qualifications and experience in the science and practice of aeronautics. The Council shall request all contracting States to submit nominations. The President of the Air Navigation Commission shall be appointed by the Council.

Nomination
and appoint-
ment of
Commission

Article 57

The Air Navigation Commission shall:

Duties of Com-
mission

- (a) Consider, and recommend to the Council for adoption, modifications of the Annexes to this Convention;
- (b) Establish technical subcommissions on which any contracting State may be represented, if it so desires;
- (c) Advise the Council concerning the collection and communication to the contracting States of all information which it considers necessary and useful for the advancement of air navigation.

CHAPTER XI

PERSONNEL

Article 58

Subject to any rules laid down by the Assembly and to the provisions of this Convention, the Council shall determine the method of appointment and of termination of appointment, the training, and the salaries, allowances, and conditions of service of the Secretary General and other personnel of the Organization, and may employ or make use of the services of nationals of any contracting State.

Appointment
of personnel

Article 59

The President of the Council, the Secretary General, and other personnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

International
character of
personnel

Article 60

Immunities
and privileges
of personnel

Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.

CHAPTER XII

FINANCE

Article 61

Budget and
apportionment
of expenses

The Council shall submit to the Assembly an annual budget, annual statements of accounts and estimates of all receipts and expenditures. The Assembly shall vote the budget with whatever modification it sees fit to prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

Article 62

Suspension of
voting power

The Assembly may suspend the voting power in the Assembly and in the Council of any contracting State that fails to discharge within a reasonable period its financial obligations to the Organization.

Article 63

Expenses of
delegations
and other
representa-
tives

Each contracting State shall bear the expenses of its own delegation to the Assembly and the remuneration, travel, and other expenses of any person whom it appoints to serve on the Council, and of its nominees or representatives on any subsidiary committees or commissions of the Organization.

CHAPTER XIII

OTHER INTERNATIONAL ARRANGEMENTS

Article 64

Security
arrangements

The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace.

Article 65

The Council, on behalf of the Organization, may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the Organization.

Arrangements
with other
international
bodies

Article 66

(a) The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944 in accordance with the terms and conditions therein set forth.

Functions
relating to
other agree-
ments

(b) Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944 shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreement.

PART III—INTERNATIONAL AIR TRANSPORT

CHAPTER XIV

INFORMATION AND REPORTS

Article 67

Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

File reports
with Council

CHAPTER XV

AIRPORTS AND OTHER AIR NAVIGATION FACILITIES

Article 68

Each contracting State may, subject to the provisions of this Convention, designate the route to be followed within its territory by any international air service and the airports which any such service may use.

Designation of
routes and air-
ports

Article 69

If the Council is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services, present or contemplated, the Council shall consult with the

Improvement
of air naviga-
tion facilities

State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

Article 70

Financing of
air navigation
facilities

A contracting State, in the circumstances arising under the provisions of Article 69, may conclude an arrangement with the Council for giving effect to such recommendations. The State may elect to bear all of the costs involved in any such arrangement. If the State does not so elect, the Council may agree, at the request of the State, to provide for all or a portion of the costs.

Article 71

Provision and
maintenance
of facilities
by Council

If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities, including radio and meteorological services, required in its territory for the safe, regular, efficient and economical operation of the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

Article 72

Acquisition or
use of land

Where land is needed for facilities financed in whole or in part by the Council at the request of a contracting State, that State shall either provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

Article 73

Expenditure
and assess-
ment of funds

Within the limit of the funds which may be made available to it by the Assembly under Chapter XII, the Council may make current expenditures for the purposes of this Chapter from the general funds of the Organization. The Council shall assess the capital funds required for the purposes of this Chapter in previously agreed proportions over a reasonable period of time to the contracting States consenting thereto whose airlines use the facilities. The Council may also assess to States that consent any working funds that are required.

Article 74

Technical
assistance and
utilization of
revenues

When the Council, at the request of a contracting State, advances funds or provides airports or other facilities in whole or in part, the arrangement may pro-

vide, with the consent of that State, for technical assistance in the supervision and operation of the airports and other facilities, and for the payment, from the revenues derived from the operation of the airports and other facilities, of the operating expenses of the airports and the other facilities, and of interest and amortization charges.

Article 75

A contracting State may at any time discharge any obligation into which it has entered under Article 70, and take over airports and other facilities which the Council has provided in its territory pursuant to the provisions of Articles 71 and 72, by paying to the Council an amount which in the opinion of the Council is reasonable in the circumstances. If the State considers that the amount fixed by the Council is unreasonable it may appeal to the Assembly against the decision of the Council and the Assembly may confirm or amend the decision of the Council.

Taking over of
facilities from
Council

Article 76

Funds obtained by the Council through reimbursement under Article 75 and from receipts of interest and amortization payments under Article 74 shall, in the case of advances originally financed by States under Article 73, be returned to the States which were originally assessed in the proportion of their assessments, as determined by the Council.

Return of
funds

CHAPTER XVI

JOINT OPERATING ORGANIZATIONS AND POOLED SERVICES

Article 77

Nothing in this Convention shall prevent two or more contracting States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Convention, including those relating to the registration of agreements with the Council. The Council shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies.

Joint operating
organizations
permitted

Article 78

The Council may suggest to contracting States concerned that they form joint organizations to operate air services on any routes or in any regions.

Function of
Council

Article 79

Participation
in operating
organizations

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be state-owned or partly state-owned or privately owned.

PART IV—FINAL PROVISIONS

CHAPTER XVII

OTHER AERONAUTICAL AGREEMENTS AND
ARRANGEMENTS*Article 80*

Paris and
Habana
Conventions

Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919 or the Convention on Commercial Aviation signed at Habana on February 20, 1928, if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Habana previously referred to.

Article 81

Registration
of existing
agreements

All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a contracting State and any other State or between an airline of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

Article 82

Abrogation of
inconsistent ar-
rangements

The contracting States accept this Convention as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which, before becoming a member of the Organization has undertaken any obligations toward a non-contracting State or a national of a contracting State or of a non-contracting State inconsistent with the terms of this Convention, shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Convention.