

Public Law 95-163
95th Congress

An Act

Nov. 9, 1977
[H.R. 6010]

To amend title XIII of the Federal Aviation Act of 1958 to expand the types of risks which the Secretary of Transportation may insure or reinsure, and for other purposes.

Federal Aviation
Act of 1958,
amendments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1301 of the Federal Aviation Act of 1958 (49 U.S.C. 1531) is amended to read as follows:

“DEFINITIONS

“SEC. 1301. As used in this title—

“(1) the term ‘American aircraft’ means any civil aircraft of the United States and any aircraft owned or chartered by, or made available to, the United States or any department or agency thereof, the government of any State, territory, or possession of the United States, or any political subdivision thereof, or the District of Columbia;

“(2) the terms ‘insurance company’ and ‘insurance carrier’ 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; and

“(3) the term ‘Secretary’ means the Secretary of Transportation.”.

49 USC 1531.

(b) The center heading of title XIII of the Federal Aviation Act of 1958 is amended by striking out “WAR RISK” and inserting in lieu thereof “AVIATION”.

49 USC 1532.

SEC. 2. Section 1302 of the Federal Aviation Act of 1958 is amended to read as follows:

“AUTHORITY TO INSURE

“AUTHORITY OF THE SECRETARY

“SEC. 1302. (a) (1) 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 any risk from the operation of an aircraft in the manner and to the extent provided by this title, whenever it is determined by the Secretary that such insurance cannot be obtained on reasonable terms and conditions from any company authorized to do an insurance business in a State of the United States.

Approval.

“(2) The President shall approve insurance or reinsurance under paragraph (1) of this subsection only if he has first made a determination that the continuation of the American aircraft, or the foreign-flag aircraft, operation to be insured or reinsured is necessary to carry out the foreign policy of the United States.

“(3) Insurance shall be issued under this title only to cover any risk from the operation of an aircraft while such aircraft is (A) engaged in foreign air commerce, or (B) being operated between two or more points all of which are outside of the United States.

"BASIS OF INSURANCE

"(b) The premium charged for any insurance or reinsurance issued under any provision of this title shall be based, insofar as practicable, upon consideration of the risk involved. Premium.

"PERIOD OF COVERAGE

"(c) No insurance or reinsurance may be provided by the Secretary under this title for an initial period of more than sixty days. Such insurance or reinsurance may be extended for additional periods each of which shall not exceed sixty days, but only if, before each such extension, the President makes the same determination with respect to such extension as he is required to make under paragraph (2) of subsection (a) of this section for the initial provision of such insurance or reinsurance." Extension.

SEC. 3. Section 1303 of the Federal Aviation Act of 1958 is amended to read as follows: 49 USC 1533.

"INSURABLE PERSONS, PROPERTY, OR INTERESTS

"SEC. 1303. The Secretary may provide the insurance and reinsurance, authorized by section 1302 with respect to the following persons, property, or interest: Ante, p. 1278.

"(1) American aircraft and those foreign-flag aircraft engaged in aircraft operations deemed by the President to be necessary to carry out the foreign policy of the United States.

"(2) Cargoes transported or to be transported on any aircraft referred to in paragraph (1), 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 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.

"(3) The personal effects and baggage of the captains, pilots, officers, members of the crews of any aircraft referred to in paragraph (1), and of other persons employed or transported on such aircraft.

"(4) Captains, pilots, officers, members of the crews of any aircraft referred to in paragraph (1), and other persons employed or transported thereon against loss of life, injury, or detention.

"(5) Statutory or contractual obligations or other liabilities of any aircraft referred to in paragraph (1) or of the owner or operator of such aircraft of the nature customarily covered by insurance."

SEC. 4. (a) Subsection (b) of section 1305 of the Federal Aviation Act of 1958 (49 U.S.C. 1535) is amended by striking out "rates" each place it appears and inserting in lieu thereof "premiums". Reinsurance premiums.

(b) The center heading of such subsection (b) is amended by striking out "RATES" and inserting in lieu thereof "PREMIUMS".

Premiums.

SEC. 5. (a) Subsection (b) of section 1307 of the Federal Aviation Act of 1958 (49 U.S.C. 1537) is amended by striking out "rates of premium provided for in this title: *Provided, That*" and inserting in lieu thereof "the premiums provided for in this title, except that".

(b) The center heading of such subsection (b) is amended by striking out "RATES" and inserting in lieu thereof "PREMIUMS".

Authority expiration.

SEC. 6. Section 1312 of the Federal Aviation Act of 1958 (49 U.S.C. 1542) is amended by striking out "May 7, 1977." and inserting in lieu thereof "September 30, 1982".

SEC. 7. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading.

"TITLE XIII—WAR RISK INSURANCE"

is amended by striking out

"TITLE XIII—WAR RISK INSURANCE

"Sec. 1301. Definitions.

"(a) American aircraft.

"(b) War risks.

"(c) Secretary.

"(d) Insurance company and insurance carrier.

"Sec. 1302. Authority to insure.

"(a) Power of the Secretary.

"(b) Basis of insurance.

"Sec. 1303. Insurable persons, property, or interests.

"(a) Aircraft.

"(b) Cargo.

"(c) Personal effects and baggage.

"(d) Persons.

"(e) Other interests."

and inserting in lieu thereof

"TITLE XIII—AVIATION INSURANCE

"Sec. 1301. Definitions.

"Sec. 1302. Authority to insure.

"(a) Authority of the Secretary.

"(b) Basis of insurance.

"(c) Period of coverage.

"Sec. 1303. Insurable persons, property, or interests."

(b) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 1305. Reinsurance."

is amended by striking out

"(b) Rates for reinsurance."

and inserting in lieu thereof

"(b) Premiums for reinsurance."

(c) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 1307. Administrative powers of Secretary."

is amended by striking out

"(b) Forms, policies, amounts insured, and rates."

and inserting in lieu thereof

"(b) Forms, policies, amounts insured, and premiums."

SEC. 8. (a) Section 403(b)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)(1)) is amended by striking out "to ministers of religion on a space available basis." and inserting in lieu thereof "on a space-available basis to any minister of religion, any person who is sixty years of age or older and retired, any person who is sixty-five years of age or older, and to any handicapped person and any attendant required by such handicapped person. For the purposes of this subsection, the term 'handicapped person' means any person who has severely impaired vision or hearing, and any other physically or mentally handicapped person, as defined by the Board. For purposes of this subsection, the term 'retired' means no longer gainfully employed as defined by the Board."

Reduced fares.

"Handicapped person."

"Retired."

(b) Within six months after the date of enactment of this section, the Board shall study and report to Congress on the feasibility and economic impact of air carriers and foreign air carriers providing reduced-rate transportation on a space-available basis to persons twenty-one years of age or younger.

Study.
Report to
Congress.
49 USC 1373
note.

SEC. 9. Section 401(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)) is amended by adding at the end thereof the following new paragraph:

Through service
by intrastate
carriers.

"(4) (A) Notwithstanding any other provision of this Act, any citizen of the United States who undertakes, within the State of California or the State of Florida, the carriage of persons or property as a common carrier for compensation or hire with aircraft capable of carrying thirty or more persons pursuant to authority for such carriage (i) within the State of California, granted by the Public Utilities Commission of such State, or (ii) within the State of Florida, granted by the Public Service Commission of such State, is authorized—

"(I) to establish services for persons and property which includes transportation by such citizen over its routes in California or Florida and transportation by an air carrier or foreign air carrier in air transportation; and

"(II) subject to the requirements of section 412 of this title, to enter into an agreement with any air carrier or foreign air carrier for the establishment of joint fares, rates, and services for such through service.

49 USC 1382.

"(B) The joint fares or rates established under clause (II) of subparagraph (A) of this paragraph shall be the lowest of—

Joint fares
or rates.

"(i) the sum of the applicable fare or rate for service in California approved by such Public Utilities Commission, or the sum of the applicable fare or rate for service in Florida approved by such Public Service Commission, and the applicable fare or rate for that part of the through service provided by the air carrier or foreign air carrier;

"(ii) a joint fare or rate established and filed in accordance with section 403 of this Act; or

"(iii) a joint fare or rate established by the Board in accordance with section 1002 of this Act."

Infra.

Post, p. 1286.

SEC. 10. (a) The first sentence of section 403(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1373) is amended to read as follows: "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—

"(1) of any air carrier, or foreign air carrier, directly engaged in the operation of aircraft if such rate, fare, or charge is for the carriage of property in air transportation, except after sixty

days' notice of the proposed change filed, posted, and published in accordance with subsection (a) of this section; and

"(2) (A) of any air carrier, or foreign air carrier, if such rate, fare, or charge is for the carriage of persons in air transportation, or (B) of any air carrier, or foreign air carrier, not directly engaged in the operation of aircraft if such rate, fare, or charge is for the carriage of property in air transportation, except after forty-five days' notice of the proposed change filed, posted, and published in accordance with subsection (a) of this section."

Post, p. 1286.

(b) The first sentence of section 1002(g) of such Act (49 U.S.C. 1482) is amended by inserting "at least fifteen days before the day on which such tariff would otherwise go into effect" immediately after "and delivering to the air carrier affected thereby".

Effective dates.
49 USC 1373
note.

SEC. 11. (a) The amendment made by subsection (a) of section 10 of this Act shall apply to any tariff change filed by any air carrier or foreign air carrier in accordance with section 403(c) of the Federal Aviation Act of 1958 after the thirtieth day after the date of enactment of this section.

Ante, p. 1281.

49 USC 1482
note.

(b) The amendment made by subsection (b) of section 10 of this Act shall apply to any tariff change filed by any air carrier for interstate or overseas air transportation in accordance with section 403(c) of the Federal Aviation Act of 1958 after the thirtieth day after the date of enactment of this section.

Local service air
carriers,
compensation.

SEC. 12. (a) Section 406(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1376(b)) is amended by adding at the end thereof the following new sentence: "In determining compensation for any local service air carrier for the year 1966 in accordance with the provisions of this subsection, the Board shall apply Local Service Class Subsidy Rate III-A as set forth in Board order E-23850 (44 CAB 637 et seq.), except that the Board shall not apply that part of such order which requires the Board to take into account any decrease in the Federal income tax liability of such carrier for such year resulting from any net operating loss carryback pursuant to section 172 of the Internal Revenue Code of 1954."

26 USC 172.
49 USC 1376
note.

(b) In the event that the Civil Aeronautics Board in determining the amount of compensation to be paid to any local service air carrier for the year 1966 in accordance with the provisions of section 406(b) of the Federal Aviation Act of 1958 took into account any decrease in the Federal income tax liability for such air carrier for such year resulting from any net operating loss carryback pursuant to section 172 of the Internal Revenue Code of 1954, the Board shall redetermine the compensation to be paid to such air carrier in accordance with section 406(b) as amended by this section, and shall make payment to such air carrier of any amount owed to such carrier as provided in such redetermination.

Supra.

26 USC 172.

Mail
transportation,
payments.

SEC. 13. Section 406(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1376) is amended by inserting at the end thereof the following new sentences: "Nothing in this section shall prohibit the Board from making payments as compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, for the period August 1, 1973, through July 31, 1975, where such payments have already been provided by Board order, to the holder of a certificate authorizing the transportation of mail by aircraft, to the account or for the benefit of any air carrier designated an 'air taxi operator' by the Board, which provided air transportation between points named in the holder's certificate in satisfaction of an

express condition to the suspension by Board order of the holder's certificate authority to engage in air transportation between those points. In no event shall such payments differ from the amount previously provided by such Board order."

SEC. 14. Section 501(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(b)) is amended to read as follows:

"ELIGIBILITY FOR REGISTRATION

"(b) An aircraft shall be eligible for registration if, but only if—

"(1) (A) it is—

"(i) owned by a citizen of the United States (other than a corporation) or by an individual citizen of a foreign country who has lawfully been admitted for permanent residence in the United States; or

"(ii) owned by a corporation lawfully organized and doing business under the laws of the United States or any State thereof so long as such aircraft is based and primarily used in the United States; and

"(B) 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 a political subdivision thereof.

For purposes of this subsection, the Secretary of Transportation shall, by regulation, define the term 'based and primarily used in the United States'."

SEC. 15. (a) Section 601(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1421), relating to emergency locator transmitters, is amended as follows:

Emergency
locator
transmitters.

(1) In paragraph (1), immediately before "minimum standards" insert the following: "and except as provided in paragraph (3) of this subsection".

(2) By adding at the end thereof the following new paragraph:

"(3) The Administrator shall issue regulations which permit, subject to such limitations and conditions as he prescribes in such regulations, the operation of any aircraft equipped with an emergency locator transmitter during any period for which such transmitter has been removed from such aircraft for inspection, repair, modification, or replacement."

Regulations.

(b) (1) Section 601 of such Act is amended by relettering subsection (d), relating to aviation fuel standards, as subsection (e).

Aviation fuel
standards.

(2) Any reference to such relettered subsection (e) shall be relettered accordingly.

49 USC 1421
note.

(c) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 601. General safety powers and duties."

is amended by striking out

"(d) Aviation fuel standards."

and inserting in lieu thereof the following:

"(d) Emergency locator transmitters.

"(e) Aviation fuel standards."

SEC. 16. (a) Section 102 of the Federal Aviation Act of 1958 is amended by inserting under the center heading the following subsection heading:

49 USC 1302.

"GENERAL FACTORS FOR CONSIDERATION".

49 USC 1302.

(b) Section 102 of such Act is amended—

(1) by striking out "In the exercise and performance of its powers and duties under this Act," and inserting in lieu thereof "(a) In the exercise and performance of its powers and duties under this Act,";

(2) by redesignating existing clauses (a) through (f) as (1) through (6), respectively; and

(3) by adding at the end thereof the following new subsection:

"FACTORS FOR ALL-CARGO AIR SERVICE

"(b) In addition to the declaration of policy set forth in subsection (a) of this section, the Board, in the exercise and performance of its powers and duties under this Act with respect to all-cargo air service shall consider the following, among other things, as being in the public interest:

"(1) The encouragement and development of an expedited all-cargo air service system, provided by private enterprise, responsive to (A) the present and future needs of shippers, (B) the commerce of the United States, and (C) the national defense.

"(2) The encouragement and development of an integrated transportation system relying upon competitive market forces to determine the extent, variety, quality, and price of such services.

"(3) The provision of services without unjust discriminations, undue preferences or advantages, unfair or deceptive practices, or predatory pricing."

49 USC 1301
note.

(c) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE I—GENERAL PROVISIONS"

is amended by striking out

"Sec. 102. Declaration of Policy: The Board."

and inserting in lieu thereof

"Sec. 102. Declaration of Policy: The Board.

"(a) General factors for consideration.

"(b) Factors for all-cargo air service."

SEC. 17. (a) Title IV of the Federal Aviation Act of 1958 (49 U.S.C. 1371 et seq.) is amended by adding at the end thereof the following new section:

"CERTIFICATE FOR ALL-CARGO AIR SERVICE

"APPLICATION

49 USC 1388.
49 USC 1371.

"SEC. 418. (a) (1) Any citizen of the United States who has a valid certificate issued under section 401(d)(1) of this title and who provided scheduled all-cargo air service at any time during the period from January 1, 1977, through the date of enactment of this section may, during the forty-five-day period which begins on the date of enactment of this section, submit an application to the Board for a certificate under this section to provide all-cargo air service. Such application shall contain such information and be in such form as the Board shall by regulation require.

49 USC 1386.

"(2) Any citizen of the United States who (A) operates pursuant to an exemption granted by the Board under section 416 of this title,

and (B) provided scheduled all-cargo air service continuously (other than for interruptions caused by labor disputes) during the 12-month period ending on the date of enactment of this section, or whose predecessor in interest provided such service during such period, may, during the forty-five-day period which begins on the date of enactment of this section, submit an application to the Board for a certificate under this section to provide all-cargo air service. Such application shall contain such information and be in such form as the Board shall by regulation require.

“(3) After the three hundred and sixty-fifth day which begins after the date of enactment of this section, any citizen of the United States may submit an application to the Board for a certificate under this section to provide all-cargo air service. Such application shall contain such information and be in such form as the Board shall by regulation require.

“ISSUANCE AND REVOCATION OF CERTIFICATE

“(b) (1) (A) Not later than sixty days after any application is submitted pursuant to paragraph (1) or (2) of subsection (a) of this section, the Board shall issue a certificate under this section authorizing the all-cargo air service covered by the application.

“(B) No later than one hundred and eighty days after any application is submitted pursuant to paragraph (3) of subsection (a) of this section, the Board shall issue a certificate under this section authorizing the whole or any part of the all-cargo air service covered by the application unless it finds that the applicant is not fit, willing, and able to provide such service and to comply with any rules and regulations promulgated by the Board.

“(2) Any certificate issued by the Board under this section may contain such reasonable conditions and limitations as the Board deems necessary, except that such terms and conditions shall not restrict the points which may be served, or the rates which may be charged, by the holder of such certificate.

“(3) Notwithstanding any other provision of this section, no certificate issued by the Board under this section shall authorize all-cargo air service between any pair of points both of which are within the State of Alaska or the State of Hawaii.

“(4) If any all-cargo air service authorized by a certificate issued under this subsection is not performed to the minimum extent prescribed by the Board, it may by order, entered after notice and opportunity for a hearing, direct that such certificate shall, thereafter, cease to be effective to the extent of such service.

“EXEMPTIONS

“(c) Any applicant who is issued a certificate under this section shall, with respect to any all-cargo air service provided in accordance with such certificate, be exempt from the requirements of section 401 (a) of this Act, and any other section of this Act which the Board by rule determines appropriate, and any rule, regulation, or procedure issued pursuant to any such section.

49 USC 1371.

“AIR CARRIER STATUS

“(d) Any applicant who is issued a certificate under this section shall be an air carrier for the purposes of this Act, except to the extent

such carrier is exempt from any requirement of the Act pursuant to this section.”.

(b) Section 101 of such Act (49 U.S.C. 1301) is amended by—

(1) renumbering paragraphs (11) through (38), and any references thereto, as paragraphs (12) through (39), respectively; and

(2) inserting immediately after paragraph (10), the following new paragraph:

“(11) ‘All-cargo air service’ means—

“(A) the carriage by aircraft of only (i) property as a common carrier for compensation or hire, or (ii) mail, or both, in commerce between 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) the carriage by aircraft of only (i) property as a common carrier for compensation or hire, or (ii) mail, or both, in commerce between a place in any State of the United States or the District of Columbia and any place in the Commonwealth of Puerto Rico or the Virgin Islands or between a place in the Commonwealth of Puerto Rico and a place in the Virgin Islands;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.”.

(c) That portion of the table of contents contained in the first section of such Act which appears under the center heading

“TITLE IV—AIR CARRIER ECONOMIC REGULATION”

is amended by adding at the end thereof

“Sec. 418. Certificate for all-cargo air service.

“(a) Application.

“(b) Issuance and revocation of certificate.

“(c) Exemptions.

“(d) Air carrier status.”.

Complaints.

SEC. 18. (a) Subsection (d) of section 1002 of the Federal Aviation Act of 1958 (49 U.S.C. 1482(d)) is amended by—

(1) striking out “Whenever,” and inserting in lieu thereof

Infra.

“(1) Except as provided in paragraph (2) of this subsection, whenever;”;

(2) striking out “interstate” and inserting in lieu thereof “interstate air transportation of persons, air transportation of property within the State of Alaska, air transportation of property within the State of Hawaii;”;

(3) striking out “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.” and inserting in lieu thereof “effective.”; and

(4) adding at the end thereof the following new paragraphs:

Maximum and/or minimum rate, fare, or charge.

“(2) With respect 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.

Unfair rate or charge, correction.

“(3) 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 or charge demanded, charged, collected, or received by any

air carrier for interstate air transportation of property or any classification, rule, regulation, or practice affecting such rate or charge, or the value of the service thereunder, is or will be unjustly discriminatory, or unduly preferential, or unduly prejudicial, or predatory the Board shall alter such rate, charge, classification, rule, regulation, or practice to the extent necessary to correct such discrimination, preference, prejudice, or predatory practice and make an order that the air carrier or foreign air carrier shall discontinue demanding, charging, collecting, or receiving any such discriminatory, preferential, prejudicial, or predatory rate or charge or enforcing any such discriminatory, preferential, prejudicial, or predatory classification, rule, regulation, or practice.”

(b) The last sentence of subsection (g) of such section 1002 is amended to read as follows: “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, except that this subsection shall not apply to any initial tariff filed by any air carrier. The Board shall not suspend any proposed tariff under this subsection because of the proposed rate, fare, charge, classification, rule, regulation, or practice stated therein unless the Board is empowered to find such proposed rate, fare, charge, classification, rule, regulation, or practice unjust or unreasonable and empowered to determine and prescribe the lawful rate, fare, charge, classification, rule, regulation, or practice, or the lawful maximum or minimum, or maximum and minimum rate, fare, or charge.”

Rate suspension.
49 USC 1482.

(c) The first sentence of subsection (h) of such section 1002 is amended by striking out “air transportation” and inserting in lieu thereof “interstate air transportation of persons, air transportation of property within the State of Alaska, air transportation of property within the State of Hawaii, or overseas or foreign air transportation”.

(d) Subsection (i) of such section 1002 is amended by striking out “interstate” and inserting in lieu thereof “interstate air transportation of persons, air transportation of property within the State of Alaska, air transportation of property within the State of Hawaii,”.

(e) (1) Such section 1002 is amended by adding at the end thereof the following new subsection:

“DEFINITIONS

“(k) (1) For purposes of this section, the term ‘interstate air transportation of property’ means—

“(A) the carriage by aircraft of property as a common carrier for compensation or hire in commerce between 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 (other than the carriage by aircraft of property by a common carrier between any pair of points both of which are within the State of Alaska or Hawaii if such carriage is part of the continuous carriage of such property and another common carrier provides, as part of such continuous carriage, the carriage by aircraft of such property between any pair of points one of which is within the State of Alaska or Hawaii and the other of which is not within the same State); or between places in the same State of the United States (other than the State of Alaska or Hawaii) 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) the carriage by aircraft of property as a common carrier for compensation or hire, in commerce between a place in any State of the United States or the District of Columbia and any place in the Commonwealth of Puerto Rico or the Virgin Islands or between a place in the Commonwealth of Puerto Rico and a place in the Virgin Islands;

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

“(2) For purposes of this section, the term ‘overseas air transportation’ means—

“(A) the carriage by aircraft of persons as a common carrier for compensation or hire in commerce between 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;

“(B) the carriage by aircraft of property as a common carrier for compensation or hire in commerce between 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 (other than the Commonwealth of Puerto Rico and the Virgin Islands); or between a place in a territory or possession of the United States (other than the Commonwealth of Puerto Rico and the Virgin Islands), and a place in any other territory or possession of the United States (other than the Commonwealth of Puerto Rico and the Virgin Islands);

whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

“(3) For purposes of this section, the term ‘air transportation of property within the State of Alaska’ means the carriage by aircraft of property (A) by a common carrier for compensation or hire in commerce between any pair of points both of which are within the State of Alaska if such carriage is part of the continuous carriage of such property and another common carrier provides, as part of such continuous carriage, the carriage by aircraft of such property between any pair of points one of which is within the State of Alaska and the other of which is not within such State, or (B) by a common carrier for compensation or hire in commerce between places in the State of Alaska through the airspace over any place outside thereof, whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.

“(4) For purposes of this section, the term ‘air transportation of property within the State of Hawaii’ means the carriage by aircraft of property (A) by a common carrier for compensation or hire in commerce between any pair of points both of which are within the State of Hawaii if such carriage is part of the continuous carriage of such property and another common carrier provides, as part of such continuous carriage, the carriage by aircraft of such property between any pair of points one of which is within the State of Hawaii and the other of which is not within such State, or (B) by a common carrier for compensation or hire in commerce between places in the State of Hawaii through the airspace over any place outside thereof, whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation.”

(2) That portion of the table of contents contained in the first section of such Act which appears under the side heading

“Sec. 1002. Complaints to and investigations by the Administrator and the Board.”

is amended by adding at the end thereof

“(k) Definitions.”.

SEC. 19. (a) Notwithstanding section 16 of the Federal Airport Act (as in effect on April 26, 1950), the Secretary of Transportation is authorized, subject to the provisions of section 4 of the Act of October 1, 1949 (50 App. U.S.C. 1622c), and the provisions of subsection (b) of this section, to grant releases from any of the terms, conditions, reservations, and restrictions contained in Patent Number 1,128,955, dated April 26, 1950, by which the United States gave and granted a patent in certain property to the city of Redmond, Oregon, for airport purposes.

(b) Any release granted by the Secretary of Transportation under subsection (a) of this section shall be subject to the following conditions:

(1) The city of Redmond, Oregon, shall agree that in conveying any interest in the property which the United States granted the city by Patent Number 1,128,955, dated April 26, 1950, the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by such Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of a public airport.

Approved November 9, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-301 (Comm. on Public Works and Transportation) and No. 95-773 (Comm. of Conference).

SENATE REPORT No. 95-199 accompanying S. 1325 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 17, considered and passed House.

May 27, considered and passed Senate, amended, in lieu of S. 1325.

June 8, House concurred in Senate amendment with an amendment.

Oct. 20, Senate concurred in House amendment with an amendment.

Oct. 28, Senate agreed to conference report.

Nov. 2, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 46:

Nov. 9, Presidential statement.

Redmond, Oreg.,
property
restrictions,
release.
49 USC 1115
note.

Conditions.