琉球大学学術リポジトリ

沖縄関係
琉球列島米民政府の日本航空に対する沖縄諸島廻航便の就航許可

メタデータ	言語: Japanese
	出版者:
	公開日: 2019-02-07
	キーワード (Ja):
	キーワード (En):
	作成者: -
	メールアドレス:
	所属:
URL	http://hdl.handle.net/20.500.12000/43642

ことに決した。日本政府は、この決定に対する政府の抗議を米国政府に対する抗議の覚書を送付した。

NEWS RELEASE

PLEASE NOTE DATE

UNITED STATES CIVIL ADMINISTRATION
OF THE RYUKYU ISLANDS
PUBLIC AFFAIRS DEPARTMENT
NAHA, OKINAWA
(APO SAN FRANCISCO 96248)
TEL: 72941 EXT: 32
72153

FOR IMMEDIATE RELEASE:

NEWS RELEASE: 67-79
March 23, 1967

RYUKYUS AIR TRANSPORTATION ORDINANCE ISSUED

Naha, Okinawa, March 23 -- An ordinance governing air transportation in the Ryukyu Islands, which implements a recently-announced U.S. Presidential executive order, was issued today by the U.S. Civil Administration of the Ryukyu Islands, (USCAR).

High Commissioner Ordinance No. 62, to be effective July 1, 1967 was issued following announcement of Executive Order 11326 of Feb. 13, 1967 extending to the Ryukyus certain provisions of the U.S. Federal Aviation Act of 1958, as amended, concerning the economic regulation of international air transportation, as well as the provisions of Title VII of the act pertaining to aircraft accident investigation. The executive order further provides that in all other respects the High Commissioner of the Ryukyu Islands shall control and regulate aviation within the islands.

The ordinance states that the High Commissioner shall consider the following, among other things, as being in the public interest:

-- encouragement and development of air transportation properly adapted to the present and future needs of the Ryukyus;

-- regulation of air transportation within the islands in accordance with the highest safety standards and in such a manner as to foster sound economic conditions;

-- promotion of adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discrimination, undue preferences or advantage, or unfair or destructive competitive practices;

-- control of the use of the navigable airspace of the Ryukyus and the regulation of both civil and military operations in such air space in the interest of the safety and efficiency of both; and

-- development and operation of a common system of air traffic control and navigation for both military and civil aircraft.

Detailed rules and regulations pursuant to provisions of the ordinance are expected to be issued by USCAR about April 1.

The issuance of the executive order, followed by today's ordinance and the forthcoming rules and regulations, reflect the shift in regulatory authority from the U.S. Federal Aviation Agency to the High Commissioner to permit greater flexibility to adjust to the local situation in the Ryukyus. Commercial air transportation in the Ryukyus has shown particularly rapid growth over the past six years.

Interisland air transportation, which began in 1958, carried about 4,000 passengers in 1960, and soared to a total of 99,267 in calendar year 1966 -- almost a 25-fold increase.

The international passenger air services carried a total of 35,432 passengers who entered and exited the Ryukyu Islands in 1960. This total jumped to 163,228 in calendar year 1966 -- a better than four-fold increase.

(END)

NEWS RELEASE: 67-79 March 23, 1967

To Editors: This unofficial Japanese translation of attached news release is provided to assist you.

琉球における航空運輸布令公布

沖縄、那覇、３月２３日・・・米国民政府が発表したところによると、米国民政府は琉球における航空運輸を規定した布令を今日公布した。 同布令は最近公布された大統領行政命令を実施するためのもので、１９６７年７月１日から発効する。

同高等弁務官布令第６２号は１９６７年２月１３日付けの大統領行政命令第１１３２６号に次で公布されたものである。 これによつて琉球における国際航路の経済規定に関しては、１９５８年制定の改正された米国連邦航空法の諸規定、そして当地における航空機事故の調査については同連邦航空法の第７条の規定が適用される。 更に同行政命令は、琉球列島米国高等弁務官は、琉球におけるその他の航空活動についてもそれを管理し、規定するとうたつている。

高等弁務官は公共の利益のために特に次の点を他の事項と共に考慮することになつている。

・・・琉球の現在及び将来の必要性に適合した航空運輸事業の奨励と発展。

・・・最高度の安全基準と健全な経済状態を確立する方針に基づいた琉球列島内の航空運輸の規定。

・・・不当な差別、恩典や不公平もしくは破かい的な競争のない適正運賃で適当な、かつ能率的航空サービスの促進。

・・・琉球上空の航路利用、及び軍民双方の航空機の安全と能率のための航空路の運営規則を管理すること。

・・・軍民双方の航空機のための航空管制施設の開発と運営。

同布令の諸規定に関する細則については米国民政府が４月１日頃公布することになつている。

行政命令の公布に伴い、本日、その実施のための布令が出され、又近いうちに同布令の細則が発布されることになつている。 同行政命令公布によつて琉球における航空事業の取締り権限は米国連邦航空局から高等弁務官に移され、これによつて高等弁務官は琉球の実状にそつて従来以上に融通性を有することになる。

過去６年間に、琉球における航空運輸事業は特に急速な発展を遂げて来た。

琉球における列島間航空事業は１９５８年にその業務を開始したが、１９６０年には４，０００名の乗客を運びそして１９６６年にはその輸送乗客数は９９，２６７名に急増した。 これは約２５倍の増加である。

又国際線を利用して、１９６０年に琉球に出入域した乗客数は合計３５，４３２名であつたが、その数も１９６６年には１６３，２２８名に増加した。 これは４倍強の増である。

（完）

北米局長
参事官
北米課長

沖縄 南方連絡事務所　　下森山永峰 7

高杉所長発 電報

外務省北米局長宛

（丸の内電報局受信 3月31日 午後5:09）

北米課受領 42.4.1 午前10時50分

（外電）

第80号 本島・離島間航空と日航に運航許可する旨 本日米国民政府より発表されたことは

電話連絡の通りなるところ、USCARの発表全文は宮田事務官に携行せしめた。

北米局北米課

GA-5　　外務省

電報

送信通過番号

0 第 41 号

送信 時 分

送信者

照合者

受信 三百三十五 時

44

第一行目の記載順序は次のとおりです。
第二行（頻類）・字数・発信局・発信番号・（受付日）・受付時刻

一 二 三 四 五

ヒロシ オキナワナク

ガカスミガ セキ1ノニ」

イムシヨウホグ イキヨクチヨウ殿

電話番号

対話者

殿

今の分
42.3.31
電報

この伝票上ついて疑問の点がありましたら配達局へお問い合わせください。

電信第6号

日本電信電話公社

沖縄関

(寫) 秘 無期限

米北オ417号

昭和42年4月 4日

在 米 大 使 殿

外 務 大 臣

日航の沖縄及諸島間運航について

貴電オ422号(3)に関し

1. 琉球列島米国民政府は、琉球における航空運輸に関する高等弁務官布令オ62号を3月23日公布(7月1日施行)したところ、同布令及び発表文各2部それぞれ別添1.の通り送付する。

2. 更に、沖縄及諸島間航空事業については

3月31日、琉球列島米国民政府より日本航空の提案を正式に採用する旨発表すると共に、その正式通知が在京米大使館より日航社長宛に発せられたところ、これに先ち、同日本政府に関し、北米局中島参事官と在京米大使館ジェーコブス公使及びグベーレン参事官との間に会談が行われた。同会談録(関係書類添付)2部、別添2.のとおり送付する。

付属空便(行)

沖縄庁用
（本信：閣議案件にあり）

秘
無期限

沖縄内の航空事業を日航に認可決定したとの米側よりの通報について

昭和42.3.31
北米局北米課

本3月31日午前10時、米大使館ヴァス公使及びザヘーレン書記官は、北米局中島書記官を来訪、別添トーキング・ペーパー及び関係書類写しを手交の上、沖縄内各島間の航空事業免許を日本航空に与えることに高等弁務官の決定が行なわれた旨要旨以下のとおり通報越した。

1. 日航社長に対する高等弁務官の本決定通知は本朝11時米大使館より社長に対し直接手交される。

2. 同時に、ワシントン、那覇及び東京において上記決定の発表が行なわれる（発表文及び参考バックグラウンド・インフォーメイションは別添のとおり。）。

3. 運航の内容は、日航申請どおり、沖縄現地資本との合弁会社を設立して新会社により行なわれるが、事業開始時期は7月1日頃とする。

4. この際特に申添えおきたい米側の希望は次のとおりであり、日本政府の配慮を願いたい。

(1) トーキング・ペーパー末段に述べたとおり、将来運航に当つて日航より日本側の指導援助等の申出があることが予想されるが、その際は日本政府の十分好意的な配慮をお願いしたい。具体的には来年度沖縄援助予算には、航空事業に対する援助の項目が現われることになるだろう。

(2) 米側が最も気にかけていることは安全性の問題であり、地上施設の改良、法規の整備等もこの観点より急速検討しているところであるが、万一にも日航になつてから事故が起るようなことがあれば、アロハ及びエア・アメリカの米系会社を排し、日航を選んだ米政府の立場は非常に苦しいものとなるので、この安全確保に日航が最大の努力と考慮を払うことを期待したい。

(3) 最後に、日本の大資本が沖縄市場に導入される第1回のケースであり、沖縄財界の一部

にはその影響をおそれ、アロハ支持の態度をとつたもののあつたことは御承知のとおりでもあるので、実際の合弁会社の運営に当つては、現地の気持をくみ、現地をたてながら日航がうまくやつてくれることを強く要望したい。

(4) 新たに就航する飛行機が、日章旗をつけることとなるかの点については、これらの飛行機が、日航機と同様のデザインをつけるかどうか、いかなる標識をつけるかは、日航と現地資本の合弁で設立される新企業の決定することであり、民政府とも協議の上決定されることとなろう。

というのが、大使館側の感触である。

（注　航空機は船と違い、国旗を標識中に掲げることは必要でなく、慣行上も一般的でない。）

TALKING PAPER

There is attached a copy of a letter which will be delivered by the Embassy at eleven o'clock this morning to Mr. Shizuma Matsuo, President of Japan Air Lines. The letter gives formal notification of the acceptance by the United States Civil Administration of the Ryukyu Islands of Japan Air Lines' proposal for operation of the Ryukyus inter-island scheduled air service. Copies are also enclosed of the statements which will be released to the press in Tokyo, Naha, Washington and Honolulu simultaneously with the delivery of the letter.

As the Government of Japan is aware, the problem of supplying adequate air transportation to the various islands of the Ryukyus chain is complex and difficult. Civilian air transportation is playing an ever-increasing role in the economic life of the Ryukyu Islands and the present limited airfield and terminal facilities will not for long be adequate to serve the steadily increasing number of persons who want to have convenient access to safe and reliable air service. The United States authorities have concluded that considerable efforts will be required to meet these requirements. The Embassy wishes to utilize the opportunity provided by this notification to state that the United States Government hopes that the Government of Japan will give careful and sympathetic consideration to proposals which may be made from

time to time for assistance for airfield facility improvements, in particular the project now being planned for expansion of the Naha civil air terminal.

Embassy of the United States of America,
Tokyo, March 31, 1967.

HCRI-CA

March 31, 1967

(COPY)

Mr. Shizuma Matsuo, President
Japan Air Lines Co., Ltd.
Tokyo Building, 2-Chome, Marunouchi,
Chiyoda-ku,
Tokyo, Japan

Dear Mr. Matsuo:

I am pleased to notify you that the Japan Air Lines Co. proposal submitted in your letter of 8 October 1966, and further clarified by the information contained in two papers submitted to the United States Embassy by the Government of Japan on 4 October 1966, has been selected and approved by the High Commissioner, Ryukyu Islands, as the basis for the establishment of the Ryukyu interisland scheduled air service to become effective on or about 1 July 1967.

Establishment, certification, operation, and regulation of the new air carrier, to be formed as a joint corporation between JAL and Ryukyuan partners, will be governed by the provisions of HICOM Ordinance 62, and the rules and regulations set forth in Aviation Regulations, Ryukyu Islands. Copies of this ordinance and implementing regulations issued under the authority of the High Commissioner will be furnished to you immediately upon publication.

The notice represented by this letter will permit a ninety day mobilization period in which to accomplish the necessary preliminary procedures and licensing incident to the inauguration of the new air service, including the formation of a joint corporation between Japan Air Lines and Ryukyuan partners in accordance with previously stated guidance and your proposal, and the obtaining of a foreign investment license from the Government of the Ryukyu Islands.

The selection of Japan Air Lines Company's proposal was based upon:

a. Recognition of the desires of the Ryukyuan people for Ryukyuans as well as the Japanese to participate in the development of a local capability in the field of commerical civil aviation through partnership and training under a joint airline organization managed by Japan Air Lines Company.

b. The economic advantages to the Ryukyuan economy represented by your proposal to retain the existing rate structure if necessary for a period of at least two years.

Mr. Shizuma Matsuo, President
Japan Air Lines

c. JAL's proposal to introduce more modern aircraft, such as the YS-11, as soon as airfield improvements will permit.

d. JAL's willingness to transfer actual management of the joint airline company operation to its Ryukyuan partnership enterprise at such time in the future and in such manner as may be proposed by the US Civil Administration in the public interest.

e. The extensive organizational, technical, and financial resources available to JAL to insure continuing promotion of high standards of air safety and service in the development and expansion of commercial aviation within the Ryukyu Islands.

The US Civil Administration is prepared to assist your company in its mobilization planning and in resolving the many questions which will probably arise in connection with the establishment of the new air service. The direct coordination by representatives of JAL with the USCAR staff is cordially invited.

Please acknowledge receipt of this notice of acceptance of the JAL proposal, and include with your reply an affirmation of intent to proceed with the necessary actions leading toward inauguration of service by the new airline on or about 1 July 1967.

The High Commissioner and I offer our congratulations and sincere best wishes for success in your new venture.

Sincerely yours,

(Original signed)

GERALD WARNER
Civil Administrator

(NOTE TO PRESS OFFICERS IN TOKYO AND HONOLULU: The following additional material, which will be issued in Okinawa as part of the news release above, is provided for your information and/or use as you may deem appropriate).

The interisland air service in the Ryukyus has long suffered economic and financial difficulties because of rising costs and inadequate fare revenues despite high load factors. Present fares are the same as established in 1954 when interisland air service was first started. The economic stability of the interisland carriers has also been seriously hampered by the twenty percent Government of the Ryukyu Islands (GRI) air travel tax, which is the highest in the world, and by the sub-standard airfield facilities which have prevented maximum use of modern aircraft capabilities. USCAR has requested GRI for early legislative action to remove or substantially reduce the present air travel tax. Recently the GRI removed all taxes on interisland maritime fares, cut land transportation taxes by fifty percent, and granted substantial fare increases for interisland ships and for buses and taxis.

A program of airfield improvements on the outer-islands is now underway with financing provided from US sources. The GRI is responsible for the maintenance of these airfields in a safe operating condition.

The US Air Force is contracting to provide a modern communications and radio navigation system to insure the safety of interisland commercial flights. On Okinawa, however, efforts to improve the safety of aerial navigation need the support of Ryukyuan people and government authorities, particularly with respect to the planned VORTAC radio navigation facility near Kyan in southern Okinawa.

The advent of the new air service on or about July 1, 1967, the new aviation legislation applicable to the Ryukyus, and the programs for continued improvement of airfields and radio navigation facilities will mark the beginning of an entirely new phase in the progressive development of commercial civil aviation in the islands. With the steady increase in interisland air travel between the islands, commercial aviation has become a major factor in the advancement and development of the Ryukyuan economy and cultural society.

PRESS RELEASE

ニュース速報

広報文化局・報道部

一九六七年三月三十一日

琉球航空サービスの運営
日本航空に認可決定

（那覇三月三十一日発）　琉球米民政府はきょう、エア・アメリカ社による琉球各島間の航空サービス運営に対する日本航空株式会社の申請が選ばれた旨発表した。新しい航空サービスは所要準備の完了次第発足するが、その期日は本年七月一日頃と見られる。

日本航空の申請は琉球実業家との合弁会社の設立案を含む。初期においては、日本航空が五十パーセント以上を所有し運営を管理することになる。新会社は、民間航空サービスの管理ならびに運営に関するあらゆる面で現地の能力を開発するための養成計画を立てる。将来、開発、養成、経験のための十分な期間を経て、適当な時期において、実際管理の現地企業への譲渡を考慮することに日本航空は同意している。

67－36R

米国大使館・東京都港区赤坂葵町二・電話583－7141（代表）

初期において使用される航空機は先島航路においては米コンベア240型機、久米島および南大東島航路においては英デハビランド・ヘロン型機または米ビーチクラフトH18型機である。ヘロン型およびH18型機は現在進行中の飛行場整備工事の終了次第、コンベア型機に取り替えられる。

今回の決定はエア・アメリカ社、アロハ航空会社、および日本航空三社の申請の中から行われたものである。申請の募集は琉球米民政府が一九六六年六月に行なつた。これまでの航空会社が現行航空料金および課税体制の下で経営難を示したため、新規の運営認可が必要と考えられた。また、現地航空サービスの運営に参与したいという、琉球実業家の長期にわたる希望も考慮された。

きようの発表は、米当局の長期にわたる検討と審査ののちに行なわれたものである。現行の法規にてらしてみると、申請の一部には、その適格性をめぐつて法律および管轄権上の問題が介在して複雑な点があつた。

ジョンソン大統領は、一九六七年二月十三日の行政命令で、琉球各島間の民間航空運営を規制する全権を琉球高等弁務官に与えた。この行政命令によつて高等弁務官は、琉球列島内の航空サービスを目的とする米国または米国以外の航空会社にライセンスを下付する権限を与えられている。高等弁務官が公示した新航空法によつて、米国以外の国に登録されている航空機や飛行士を使用し、琉球住民の所有参加を認める琉球民間会社を設立することが可能となる。

僅少な差で日本航空に有利な決定をみたのは主として経済的な要因によるものである。航空券に課せられる現行の琉球政府の税金と低廉な航空料金にもかかわらず、日本航空は必要とあれば少なくとも二年の期間にわたつて現行の料金規定を据えおくことに同意した。日本航空は、新しい航空会社の発展段階の間、財政的安定を保証するにたる広域の機構的、技術的ならびに財政的能力をそなえているものと考慮された。

U.S. INFORMATION SERVICE
PRESS BRANCH

PRESS RELEASE

速報ニュース

FOR IMMEDIATE RELEASE:

JAL CHOSEN TO OPERATE RYUKYU AIR SERVICE

Naha, Okinawa, March 31 -- The proposal of Japan Air Lines for operation of the Ryukyus interisland air service operated by Air America, has been selected, the U.S. Civil Administration of the Ryukyu Islands (USCAR) announced today. The new air service will become effective as soon as appropriate arrangements can be completed, estimated to be on or about July 1, 1967.

JAL's proposal includes the formation of a joint company with Ryukyuan business partners. Majority ownership and management control will be retained initially by JAL. The airline will establish a training program to develop a local capability in all phases of commercial airline management and operation. At an appropriate date in the future, following a sufficient period of development training and experience, JAL agrees to consider the transfer of actual management to the local business enterprise.

(more)

67-36R

Aircraft to be employed initially will be US Convair 240's on the Sakishima routes and British DeHavilland Herons or US Beechcraft H-18's on the Kume Jima and Minami Daito routes. The latter smaller aircraft will be replaced by the larger aircraft as soon as current airfield improvements are completed.

The selection was made from among competing proposals submitted by Air America, Aloha Airlines, and JAL. Proposals were solicited by USCAR in June 1966. A new franchise was considered necessary when the indication was given by the present air carrier that under existing fare and tax structure it faced certain difficulties. Consideration was also given to the long standing desires of Ryukyuan business enterprisers to participate in the operation of the local airline service.

Today's announcement represents the culmination of a long period of review and evaluation by U.S. Authorities which was complicated by legal and jurisdictional problems involving the eligibility of some of the proposals under existing law.

On February 13, 1967, President Johnson issued an executive order which granted the U.S. High Commissioner of the Ryukyu Islands full authority for the regulation of civil aviation operating between points in the Ryukyu Islands and permits the licensing of either U.S. or non-U.S. owned carriers for domestic air service within the Ryukyus. Under new aviation

(more)

legislation issued by the High Commissioner, the formation of a Ryukyuan company utilizing non-U.S. registered aircraft and airmen and Ryukyuan ownership participation, becomes possible.

The factors which led to the very close decision in favor of JAL were primarily economic. Despite the existing Government of Ryukyu Islands tax on airline tickets and the low air fare schedule, JAL agreed to retain the present fare schedule if necessary for a period of at least two years. JAL was considered to have extensive organizational, technical and financial resources adequate to insure financial stability of the new airline through its development period.

***

U.S. INFORMATION SERVICE
PRESS BRANCH

PRESS RELEASE
速報ニュース

FOR IMMEDIATE RELEASE:

JAL CHOSEN TO OPERATE RYUKYU AIR SERVICE

Naha, Okinawa, March 31 -- The proposal of Japan Air Lines for operation of the Ryukyus interisland air service operated by Air America, has been selected, the U.S. Civil Administration of the Ryukyu Islands (USCAR) announced today. The new air service will become effective as soon as appropriate arrangements can be completed, estimated to be on or about July 1, 1967.

JAL's proposal includes the formation of a joint company with Ryukyuan business partners. Majority ownership and management control will be retained initially by JAL. The airline will establish a training program to develop a local capability in all phases of commercial airline management and operation. At an appropriate date in the future, following a sufficient period of development training and experience, JAL agrees to consider the transfer of actual management to the local business enterprise.

(more)

67-36R

在日米国大使館文化交換局
AMERICAN EMBASSY - TOKYO

Aircraft to be employed initially will be US Convair 240's on the Sakishima routes and British DeHavilland Herons or US Beechcraft H-18's on the Kume Jima and Minami Daito routes. The latter smaller aircraft will be replaced by the larger aircraft as soon as current airfield improvements are completed.

The selection was made from among competing proposals submitted by Air America, Aloha Airlines, and JAL. Proposals were solicited by USCAR in June 1966. A new franchise was considered necessary when the indication was given by the present air carrier that under existing fare and tax structure it faced certain difficulties. Consideration was also given to the long standing desires of Ryukyuan business enterprisers to participate in the operation of the local airline service.

Today's announcement represents the culmination of a long period of review and evaluation by U.S. Authorities which was complicated by legal and jurisdictional problems involving the eligibility of some of the proposals under existing law.

On February 13, 1967, President Johnson issued an executive order which granted the U.S. High Commissioner of the Ryukyu Islands full authority for the regulation of civil aviation operating between points in the Ryukyu Islands and permits the licensing of either U.S. or non-U.S. owned carriers for domestic air service within the Ryukyus. Under new aviation

(more)

legislation issued by the High Commissioner, the formation of a Ryukyuan company utilizing non-U.S. registered aircraft and airmen and Ryukyuan ownership participation, becomes possible.

The factors which led to the very close decision in favor of JAL were primarily economic. Despite the existing Government of Ryukyu Islands tax on airline tickets and the low air fare schedule, JAL agreed to retain the present fare schedule if necessary for a period of at least two years. JAL was considered to have extensive organizational, technical and financial resources adequate to insure financial stability of the new airline through its development period.

***

広報文化局・報道部

PRESS RELEASE

ニュース速報

一九六七年三月三十一日

琉球航空サービスの運営
日本航空に認可決定

（那覇三月三十一日発）琉球米民政府はきょう、エア・アメリカ社による琉球各島間の航空サービス運営に対する日本航空株式会社の申請が選ばれた旨発表した。新しい航空サービスは所要準備の完了次第発足するが、その期日は本年七月一日頃と見られる。

日本航空の申請は琉球実業家との合弁会社の設立案を含む。初期においては、日本航空が五十パーセント以上を所有し運営を管理することになる。新会社は、民間航空サービスの管理ならびに運営に関するあらゆる面で現地の能力を開発するための養成計画を立てる。将来、開発、養成、経験のための十分な期間を経て、適当な時期において、実際管理の現地企業への譲渡を考慮することに日本航空は同意している。

米国大使館・東京都港区赤坂葵町二・電話583－7141（代表）

初期において使用される航空機は先島航路においては米コンベア240型機、久米島および南大東島航路においては英デハビランド・ヘロン型機または米ビーチクラフトH/8型機である。ヘロン型およびH/8型機は現在進行中の飛行場整備工事の終了次第、コンベア型機に取り替えられる。

今回の決定はエア・アメリカ社、アロハ航空会社、および日本航空三社の申請の中から行われたものである。申請の募集は琉球米民政府が一九六六年六月に行なつた。これまでの航空会社が現行航空料金および課税体制の下で経営難を示したため、新規の運営認可が必要と考えられた。また、現地航空サービスの運営に参与したいという、琉球実業家の長期にわたる希望も考慮された。

きようの発表は、米当局の長期にわたる検討と審査ののちに行なわれたものである。現行の法規にてらしてみると、申請の一部には、その適格性をめぐつて法律および管轄権上の問題が介在して複雑な点があつた。

ジョンソン大統領は、一九六七年二月十三日の行政命令で、琉球各島間の民間航空運営を規制する全権を琉球高等弁務官に与えた。この行政命令によつて高等弁務官は、琉球列島内の航空サービスを目的とする米国または米国以外の航空会社にライセンスを下付する権限を与えられている。高等弁務官が公示した新航空法によつて、米国以外の国に登録されている航空機や飛行士を使用し、琉球住民の所有参加を認める琉球民間会社を設立することが可能となる。

僅少な差で日本航空に有利な決定をみたのは主として経済的な要因によるものである。航空券に課せられる現行の琉球政府の税金と低廉な航空料金にもかかわらず、日本航空は必要とあれば少なくとも二年の期間にわたつて現行の料金規定を据えおくことに同意した。日本航空は、新しい航空会社の発展段階の間、財政的安定を保証するにたる広域の機構的、技術的ならびに財政的能力をそなえているものと考慮された。

[illegible]

[illegible]

沖縄班へ

寫

秘
無期限

米北合第1265号
昭和42年4月4日

外務省北米局長

沖縄内諸島間航空事業について

標記の件について3月31日琉球列島米国民政府は、日本航空の提案を正式に採用することに決定し、その発表を行ったところ、これに先立ち同日行われた外務省北米局中島参事官と在京米大使館ジャース公使及びザハーレン参事官との会談（同記録写、関係書類写共別添）の模様を、別添のとおり送付します。

GA-4 外務省

2

なお、特別地域連絡局よりは別添各割を南方連絡事務所へしかるべく送付下され。

付属添付

本信送付先：総理府特別地域連絡局長
運輸省航空局長

GA-4 外務省

極秘

北米局長
参事官
北米課長

沖縄における日本航空企業の運航について。

(41.6.17.
北)

標記の件に関し、17日午後、総理府における打合会の電報次のとおり（山野特連局長、佐藤航空局長、航空局監督課長、北米課長）

1. 監督課長より、現地におもむいた全日空定期営業部次長の報告によると、次のとおり説明があった。

イ. 現在 Air America は、30席以下の小型機で運航しており、利用率は70%位（小型機では絶対引合わない率）である。航空保安施設の一部も、同社の負担で operate している。

ロ. USCAR の許可は3年間を前提として、1年ごとに更新される。

ハ. 運賃は本土のそれより割安で、通行税は20%（本土5%）であり、同社は年間35万ドルの赤字の由。

ニ. 今回の接触は、日航、全日空のみにあり、NWA にはなかった模様である。上記 ANA 社員が会ったのは、USCAR の担当課長の由。

ホ. USCAR 提案の内容は、許可の期間、路線、運賃、保安施設の一部負担等は、現状のまゝとすることを条件として、日航なり全日空の名において運営することを許可する。カボタージュの問題は米側で処理してやる、というもので、25日までに回答を求められた由である。

2. 上記の報告を検討の結果、米側の意図、提案内容等にはっきりしない点もあるが、まず、現段階では (イ) 日航、全日空のいづれにやらせるか、(ロ) 赤字の助成が可能であるか 等国内事情を固め、その上で、米側との折衝をどうするかを考慮することとなった。（国会方面でも議題になったが是非日本側でやれとの声が圧倒的であったため）

タイプ	指示	発信用	受信用	計
正	備	2	0	2
付		ソ		
写				

発信 昭和41年7月5日
会信 タイプ 校 吉見

文書課受 公信案 (分類)

会信番号 米北 第 707 号
会信日付 昭和41年7月4日

大臣
政務次官
事務次官
外務審議官
官房長

主管 北米局長
参事官
北米課長

起案 昭和41年7月2日
起案者 渡辺 電話番号 443

参事官
国際協定課長

受信者 運輸省 航空局長
発信者 北米局長

写送付先 総理府 特連局長(社会党)
(第閣発送日) 月 日

件名 沖縄における民間航空輸送について

GA-2 4 196 外務省 回覧番号 1121

米北第707号

昭和41年7月4日

運輸省航空局長殿

外務省北米局長

沖縄における民間航空輸送について

今般、在京米大使館より、琉球列島米国民政府が日本航空、全日空を含む民間航空企業との間で、琉球列島内での航空輸送を行なわしめるための取極を行なうことを検討中である由をもって、日本の航空企業による琉球列島内の航空輸送に関し、日米航空協定及び日本の国内法令上、何等かの問題があるか否かにつき、貴方の見解を照会越し

GA-4 外務省

また、

当方は、本件は日米航空協定と直接関係ない内政であると見解しておりますが、参考別添トーキングペーパー写しを御アレンジ、意見御回示願います。

付属物添付 ／

本信写送付先　総理府特別地域連絡局長

GA-4　　外務省

LIMITED OFFICIAL USE

TALKING PAPER

Civil Aviation in the Ryukyu Islands

As the Ministry of Foreign Affairs is aware, the United States Civil Administration of the Ryukyu Islands has under consideration entering into new arrangements for the provision of air passenger service between the various islands under its administration. There have been recent conversations between USCAR and representatives of Japan Air Lines and All Nippon Airlines designed to solicit these firms' ideas and proposals with respect to the provision of such interisland civil aviation service. Simultaneously, the USCAR has on a similar basis, been discussing with other airlines their ideas and proposals.

The Embassy would, as background for these discussions, appreciate being informed whether the Ministry of Foreign Affairs foresees any problems in the relationship of Japanese laws and the United States-Japan Civil Air Agreement to the possible provision by a Japanese airline of civil aviation service in the Ryukyu Islands. The Embassy would appreciate having the views of the Ministry with respect to the legal relationship which might obtain under both of the following possible arrangements which it understands USCAR has under consideration:

a. Direct franchise; and

b. Contract "wet" charter with a Ryukyuan air terminal company.

The Embassy would have no objection to the Ministry's consulting the

concerned Japanese airlines upon these questions, if the Ministry considers such consultations might be useful and appropriate.

秘
無期限

北米局長
参事官
北米課長

沖縄内の定期航空業務運航について

(41.9.5.
米北)

標記の件に関し、5日午後 住田航空局監督課長は中島参事官と来訪、次のとおり会談した。

1. まず、先方より次のとおり、従来の経緯を説明、米側への申入れを依頼した。(経緯詳細は別添1のとおり)

(1) 本件については、去る6月USCARから日航、全日空、アロハ航空、ハワイアン航空に対し、非公式な打診のあったところ、全日空は関心を示さなかったが、日航は積極的に那覇空港会社(NATCO)との間で提携して運航を行なう話を進め、一応の提携案を7月末USCARに提示するところまで行った。(NATCOは、~~[illegible]~~エア・アメリカが本件運航を行なう以前に運航を行なっていた)

然るにその後エア・アメリカも本件運航を継続する意向を示しはじめたもくであり、また、アロハ航空も、NATCOおよびUSCARにアプローチしはじめ、現在のところ、日航、エア・アメリカ、アロハ航空が競合している形になっている。

(2) 現在の関係会社およびUSCARの立場は大要次のもくである。

(1) アロハ航空は、(a) 同社が51%を出資して NATCO と新会社を設立し、今後5年間新会社を共同運営の後、逐次経営を NATCO に委譲する。(b) 乗員訓練は10名づつハワイでアロハ航空が行なう。(c) 運賃は15%値上げを希望する。との条件を出している。

(2) 日航は、本件を実施することにより先ずは年間約1億円の赤字に対し政府の援助が期待しうるか否か未確定であるため、詳細な条件は提示していないが、一案 (a) 日航と NATCO の名前で共同運航し（地上サービスを NATCO が、運航を日航が行なう）、(b) 乗員の訓練

は原則として日航が行なう。との条件を希望しており運賃については、何等触れていない。

(3) NATCO は、(a) 新会社は従業員等経費が増大するので、共同運航方式でやりたい。(b) アロハの出資率が51%になることには地元の反対があるので、どうしても新会社設立なら NATCO が55%出資したい等と述べているが、どうも、アロハと日航とを両天びんにかけて、有利な方にワンワンとしているようである。

(3) USCAR は、当初日航、全日空にもアプローチしながら、現在では、(a) NATCO は能力がないので、新会社方式が望ましい

(ハ) 現行法上、NATCOは日航と提携することはできない。(ヒ) アロハの提案が現在最善のものである等の立場をとっている せいくであり、(この立場は) 法律論、アロハが運賃15%値上げを希望していること、等からみて筋は通っていないようであるが、(いづれにせよ、USCARは) アロハにやらせたい意向の如くである。

(3) しかるところ、本件については、総理が、日航にやらせたいとの強い意向である由で※、利、最終的にアロハがやることになるとしても、このまゝ放置するのはまずいのではないかということになり、本日午後運輸大臣と総務長官とが会見した結果、外務省から、至急東京ないしワシントンで米側に

対し、本件を日航が実施しうるよう申入れてほしいということになった。

2. 以上に対し、当方より日航の真意如何を質したところ、佐田課長は、日航としては、政府からの財政補助があればぜひやりたいということである旨を答え、この点に関し、本日運輸大臣、総務長官は、日航の本件については、十分同社の希望を容れようということに合意した旨は言し、さらに、日航とNATCOの提携協定案を追って当方にも送付する旨言った。(後刻送付きれたもの別添2)

別紙1

民政府よりの琉球諸島内運航申入れに関する経緯
(41.6.13～9.2)

6.13. 民政府公益事業局長は、JAL、ANA、ALOHA及びHAWAIAN航空会社に対し、AIR AMERICAにかわり、琉球内航空を運営するか否かを極秘裡に打診され、早急に関係者と会談したい旨申出た。

6.16. 当社より高木常務等が訪沖し、民政府・公益事業局長 カクラン大佐と面談し、正式な申出及び空港施設等必要な情報の説明を受けた。

6.22. 当社社長より民政府宛、本件を積極的に受諾したい旨、及び開始期日を含む詳細につき、早急に相談したい旨の電報を発信した。

6.24. 那覇空港会社(NATCO)専務 大城氏は、当社の要請により、当社、専務・高木常務等と面談したところ、大城氏は、同社としては、この際是非諸島内運航を日航と提携して行いたい旨のべ、且つ、当社が、早急に開始することが必要なる旨、強く要望した。
一方当社は、これに対し、政府も賛成しているので、日航としても、是非、那覇空港との提携において、実施したい旨述べた。

6.25. 民政府より、当社の6/22付申出を受領したこと及び詳細につき相談したい旨の電報を受けた。

6.27. 当社は、JDAとの間に、機材の賃貸借に関する覚書を締結した。

6.30. 6.25付の民政府からの連絡により、当社より大庭常務、企画部長等が訪沖し、民政府カクラン大佐と面談し、機材・開始期日・通信運航施設・安全基準・現地政治問題・法律問題の詳細につき説明を受けるとともに、当社からの回答を行なった。

7.5. NATCO 大城社長は、当社を訪問、副社長・高木常務・企画部長等と提携方法等について面談した。

✓ 7.11 ALOHA航空の MR. BROWN(副社長)が訪沖。
(同氏は、7.12 民政府及び NATCOの関係者と面談し諸島内の運航を行いたい旨の申入れを行った由である。)

7.12. NATCOの大城社長に対し、電報を発信し、当社との契約等につき協議するため、同氏の来京を要望した。

7.19～20 NATCOの大城秘書及び専務は来京等と面談し、両社による共同運営に関する協定書案につき協議し、これに双方合意した。
なお、NATCOの両氏は、帰沖後、民政府に対し、両社が協定書に合意した旨伝へ、協定案を提示することを約した。

✓ 7.22～24. 民政府のカクラン大佐は、台北に出張 AAMの幹部と面談し、AAMの当該運営の延伸を要請した模様。

7.25. NATCOの大城専務は、カクラン大佐を訪問し、JAL/NATCO両社の協定書案を説明し、且つ、双方合意に達した旨、報告した旨である。

✓ 7.27 AAMは、NATCOに対し、提携につき話し合いたい旨申入れた。

7.29. 本社より、OKASMに対し、JAL/NATCO両社名による免許申請書案を送付し、NATCOの了承を得た後、民政府に提示且つ説明するよう業務を発信した。

7.30 来沖中の沖縄タイムス社長上地氏に対し、社長より松岡主席宛の依頼書を手渡した。
(7.29付)

8.5 OKASMは、カクラン大佐と面談したところ、同大佐は、
(1). 現在、本運航に関する法律問題を検討中である。
(2). AAMは10/15まで継続運航する。
(3). JAL/NATCO共同運航案については NO OBJECTION であるが、FRANCHISE は NATCO に出される。等のべた。

8.9. 新任の森長官は、企画部長に対し、
(1). 政府としては、JALに実施させる意向である。
(2). EMERSON 公使より、JALをあて馬にしていることはないとの言質を 8/5 とった。
(3). 松岡主席来京の際、直接本件について話したい。旨のべた。

8.12. 社長は来沖中の松岡主席と、本件につき面談した。

8.12. 本件、定例取締役会に付議、原案どおり了承された。

8.16～19. 森長官が訪沖、高等弁務官と、本件につき、非公式に会談を行った。

X 8.23. 運輸大臣は、本運営を、JALが(早急に)実施できるよう、

検討方、事務当局に指示した。

8.27. ALOHAのCHAR社長は、USCARのカクラン大佐、GRIの松岡主席及びNATCOを訪問し、NATCO共同して新会社を設立し、本運営を行いたい旨、口頭による申入れを行った。

✓ 8.29. NATCO大城社長及び専務がUSCARカクラン大佐と面談したところ、現行法制上、JALとNATCOの提携業務に免許を与えることはできず、NATCOは、未企業であるALOHAと提携する以外に方法はないとワシントンで判断している旨のべた。

9.2. 本社よりの指示により、USCARカクラン大佐と、OKASMが面談を行ったが、概要次のとおり。
(1). 本件については、その後事態がかわって来ており、解決の見通しについては、現在何も云えない。
(2). ALOHAの提案は歓迎すべきであり、今のところBEST PROPOSALである。
(3). 琉球内航空に関する法律問題については見通しがつかない状態である。
(4). 大城氏のNATCOは能力なきため、新会社方式がよいと考える。

専務	企画部長	次長	国際課長	課長補佐	担当

8/30

琉球列島内航空業務について

41. 8. 29
TYOBP

Aloha Airlines Inc. の提案 (OKASM/260758/271035)

8月27日 Aloha Airlines の Char 社長は琉球米国民政府(USCAR)のカクラン大佐及び琉球政府(GRI)の同行政主席と会談した後，那覇空港ターミナル(NATCO)に対し，要旨次の提案を行なった。

1. Aloha と NATCO が共同して新会社を設立し，新会社に島内航空を運営させたい。
2. 出資比率は Aloha が 51% とし，当面の資本は 70万ドル(約2.5億円)としたい。
3. 新会社は5年間は共同で運営し，以後逐次経営を NATCO に委譲していく。
4. 使用機材は CV240 2機。
5. Training は ハワイで Aloha が受け持つ。
   (10名ずつハワイに派遣して行なう)
6. 運賃は 15% up を希望する。

U.S. CAR の見解 (OKASMより電話連絡 8/29)

8月29日，NATCO 社長及び専務が U.S. CAR 公益事業局長のカクラン大佐と会談したところ，同大佐の見解は次のとおりである。(NATCO 大城専務よりの情報)

1. U.S. CAR は大統領の行政命令を改訂することによって U.S. CAB 及び FAA の権限を琉球内にも及ぼしうるよう検討中であったが不可能となった。このため，現行法制上は NATCO は米企業たる Aloha と提携する以外に方法はなく JAL との提携業務に Franchise を与えることは法律的に不能である。(ワシントンの判断で不可能になったとの事)

2. 資本構成は，米国企業が外国企業と提携する場合，最低 75% を米企業が出資することを法律上規定されているが，特例として 51% でもよい。

NATCO の態度 (OKASM/271035 及び電話連絡 8/29)

1. 新会社の設立は経費が増大するので好ましくない。
2. 資本の 51% を Aloha が出資することは，沖縄の世論の反対をうける。
3. Joint Operation 方式で運営したい。
4. 新会社設立が絶対条件であれば，NATCO が 55% を出資したい。

別紙2

協　　定　　書（案）

日本航空株式会社（以下"ＪＡＬ"という。）と那覇空港ターミナル株式会社（以下"ＮＡＴＣＯ"という。）とは、関係政府機関の承認を条件として、次のとおり合意する。

第１条（共 同 運 営）

ＪＡＬとＮＡＴＣＯは琉球列島内における定期および不定期の航空運送業務を両当事者の名において共同して運営する。（以下"共同運営"という。）

第２条（共同運営の業務の分担）

1. ＪＡＬは共同運営を行なうために次の業務を分担する。

(1) 航空機の提供および運航

(2) 航空機の整備

(3) 航空機部品（予備エンジンを含む。）および整備用器材の調達、補給および管理

(4) 燃油類の調達

(5) その他航空機の運航および整備に必要な業務

2. ＮＡＴＣＯは共同運営を行なうために次の業務を分担する。

(1) 旅客、貨物および郵便物の予約および販売に関する業務

(2) 地上における旅客、貨物および郵便物の取扱いに関する業務

(3) 航空機内におけるサービスに関する業務（客室乗務員の提供を含む。）

(4) 運航および整備に必要な地上施設および乗員の地上運送の提供

第３条（共同運営の方法）

1. 共同運営に必要な細目は、両当事者が協議して別途付属書に定める。付属書は下記の諸事項を含み、かつ、この協定書と不可分の一体をなすものとする。

(1) 路線および運航回数ならびに時刻表

(2) 使用航空機の型式および数ならびに仕様要目

(3) 運賃および運送約款

(4) 特別勘定および精算

(5) 航空機機体保険、乗員保険および旅客、荷主ならびにその他の第三者に対する損害賠償責任保険

2. 共同運営による損益は、第２条に定めるそれぞれの分担業務に要した経費の割合に応じて配分されるものとする。

3. 共同運営に使用する航空機には、ＪＡＬおよびＮＡＴＣＯの標識を共に掲げる。

4. 共同運営を目的とした広告、宣伝、その他の印刷物には、両当事者の名称を付し、両者の密接なる提携関係を公衆に認識せしめるよう努力する。

第４条（教育および訓練）

1. ＪＡＬは、第２条第２項にしたがってＮＡＴＣＯが分担する業務を行なうために必要なＮＡＴＣＯの職員に対する教育および訓練の一部または全部を行なう。

2. ＪＡＬはＮＡＴＣＯの職員に対し、運航乗務員、運航管理者および航空機整備員としての教育および訓練の一部または全部を行なう。

3. 前２項に定める教育および訓練に要する経費の負担は、別途双方協議のうえ決定する。

第５条（責　　任）

1. 共同運営業務に関して発生する旅客、荷主その他の第三者に対する一切の損害について、両当事者は連帯してその責を負う。

2. 両当事者間における責任分担は、帰責事由によつて定める。　ただし、損害が不可抗力に起因する場合、第三者の責に帰すべき事由による場合または何れの当事者に帰すべきか不明の場合には、両当事者が折半して負担する。

第６条（有 効 期 間）

1. この協定書は、関係政府機関より承認を得た日に発効し、有効期間は発効後２カ年とする。

2. 期間満了前６カ月までに当事者双方とも文書をもつて改定または解約の意思表示をしないときは更に２カ年有効とし、以後これに準ずる。

第７条（協定書または付属書の改定）

各当事者は、この協定書または付属書の改定を必要とする場合には、両当事者間の協議を要請することができる。この協議は要請があつた日から３０日以内に開始するものとし、両当事者が合意した場合この協定書または付属書は改定される。

以上の証拠として、本協定書２通を作成し、両当事者記名捺印の上、各１通を保有するものとする。

昭和４１年７月　　日

東京都千代田区丸の内２丁目３番地２

（ＪＡＬ）　日本航空株式会社

代表取締役社長　松　尾　静　磨

沖縄那覇市銘水３０６の１

（NATCO）　那覇空港ターミナル株式会社

取締役社長　大　城　錄　吉

秘
無期限

北米局長
参事官
北米課長

森山
田中

沖縄内定期航空運航に関する
北米局長、ザヘーレン参事官 会談録

(41.9.6.
米北)

6日午前 北米局長はザヘーレン参事官の来訪を
求め、標記の件に関し次のとおり会談した。

1. まず局長より、本件を日航に実施せしめたいという政府はじめ日本政府の強い希望は貴方承知
のとおりなるところ、当方の得ている情報によれば、
日航がNATCOとの共同運航申請をUSCARに
提出した後Alokaと NATCOとが新会社による
運航申請をUSCARに提出し、USCARは、主として法律
的に日本の会社との提携にフランチャイズを与える
ことはできないとの理由により、Alokaの運航を

好意的に考えているゆえであるが、本件の現状について、クラリフィケーションを求めない旨述べた。

これに対し、先方は、事態は更に複雑である。すなわち、問題は、米国政府内で沖縄のair trafficを誰がコントロールするかということが決定されていないことにあり、かつてはUSCARが一方的にこれをコントロールしていたが、その後USCAB, FAAが米国の国内法規、基準を適用するにそっている。もし、米国法規を適用することになると、沖縄内の航空業務は米国籍者又は、せいぜい永住権者、以外はフランチャイズを得ることができないことになる。以下は外部に出さないでいただきたいが、上記の米国政府内の権限の問題については、新しい大統領行政命令で規定するよう在京大使館、USCARとも強く勧告しているが

国防省とCABの意見が合わないため最終的な決定に至っていない、旨を答えた。

2. ついで同氏より、そういう問題があるのに、US CARが日航にoffer をしたのはおかしいではないかと質したのに対し、先方は、US CARとしては、まず国内航空企業から提案を求め、その上でもっとも経済的で沖縄住民の利益のためになるものを選んだ上、法的にそれに合わせた形で調整しようとしたものであろう。私見ではこれは法律問題はそれほど大きなものではなく、日航等国内航空会社の提案のうち、いづれが最低運賃で、よりよいサービスを提供するかによって決定が下されることになろう、従って日航にたするinvitationもstill openであると答えた。

3. そこで同氏より、そういうことであればAlohaは15%値上げを提案している由であるのに対し、日航は常につねにflexibleであり、値上げをしないかもしれないのであるから、日航はチャンスがあると思う旨コメントしたのに対し、先方は、しかしAlohaの方は、数年先にはNATCOに全部をまかせて手を引く提案をしている由であり、問題はNATCOが本心どちらを選びたいと思っているかである。この点南東から事前に情報を得られるのか有用であろうが、自分の個人的な印象としては、NATCOがAlohaに傾いているようであり、現地には松岡生産はじめハワイと関係の深い人が多いということも作用しているようである。いづれにせよ、事実上USCARがNATCOに好意的である

なく、米国政府としては、あくまで経済性と、沖縄住民の利益を考えるものである

ということだけでは、と答えた。

4. 最後に局長より、USCAR が本件に hasty な議論を出さないよう要請するとともに、本件は外交問題とは言えないかもしれないが、非公式な接触をつづけたいと述べたのに対し、先方は、これを報告することを約するとともに、先に日本側内閣官房に提示した、日本側としての法律問題についてのトーキング・ペーパーに対する回答を早急に得たい旨要請し、局長は、検討方を約した。

本件につき、運輸省に然るべきレベルで賛同の意向と思われます

極秘

注　意
1. 本電の取扱いは慎重を期せられたい。
2. 本電の主管変更その他については検閲班に連絡ありたい。

電信写

総番号(TA) 3585 4　　主管
66年9月15日20時15分　アメリカ　発　米北
66年9月16日10時54分　本省　着

外務大臣殿　　武内 (大使) 総領事 臨時代理

沖縄内での定期航空業務について

(暗) 秘 略 平　　大至急 普通 LTF

第2514号

貴電第1406号に関し

1. 15日本使とパンディ次官補と会談の予定なりしところ、先方フィリピン大統領来訪に関連し種々多忙を極めているため、ペニガニ次官補代理及びスナイダニ日本部長と会談した（先方スタンキニ日本部員同席）。

（1）本使より冒頭貴電の趣旨を説明するとともに総理の強い希望でもあるので、本使よりパンディ次官補に申し入れる予定であったことを申し述べた上、次の諸点を強調した。

（イ）日本とオキナワ間の将来の関係を考えれば日航が本件運航を行なうことが自然かつ当然であり、今更アロハ航空を招き入れる考え方は将来のため不適当であること。

（ロ）本使が去る7月オキナワに旅行した際本件について民政府担当主のう者及びリュウキュウ政府主のう者から事情をちゃう取した時は、米国法令の問題等は全くなく、単に日航が既に提案を出したにもかかわらず、アロハ航空の

外務省

極秘

注　意
1. 本電の取扱いは慎重を期せられたい。
2. 本電の主管変更その他については検閲班に連絡ありたい。

電信写

提案がでてこないために決定を延しているという話であったのに、その後どこからこの法律的困難などという話が持ち出されたのか誠に不可解である。

（ハ）ことに今日の説明によれば米側として米国の航空会社にもピット（提案）の機会を与える必要があるとのことであるがアロハ航空はその当時より、行なうべき提案を行なわず、せんえんしているにもかかわらず、未だにそのせんえんを許して待つているということは、米側のいわゆる法律問題がこのせんえんと無関係でないのではないかとの印象を与える。

（ニ）日航は大きな航空会社であつて、これがオキナワ諸島間の航空を行なうということは何よりも先づ本件航空のあるべきすがたに持つて行きたいという希望にでており、単なる利益の追求のためではないことを了解ありたい。

（ホ）よつて以上の見地より日航に本件運航を行なわせるべく速かに決定ありたい。

（2）右申し入れに対し、先方両人は何分にも本件は政治的はいけいもあり、法律的、技術的な問題もあるので直ちに御返事致しかねるが、申入れの趣旨は分ったので、できる限り決定を促進する旨答えた。

2. 先方の政治的はいけいとは、アロハ航空が種々政治的に暗やくしていることを指すものではないかと解されたが

(2)

外務省

極秘

注　意

1. 本電の取扱いは慎重を期せられたい。
2. 本電の主管変更その他については検閲班に連絡ありたい。

電信写

スナイダーは、本使を見送りの途中、本日午後にでも更にペンタゴンと十分話合を行なうこととすべしと語つた。先方の動きにおつては更に申し入れをする必要があるかも知れないが取りあえず。

(3)

(3)

外務省

4054

1/1

1/81

北米局長

参事官

北米課長

42.2.7

在米 武内 臨時代理 公使 宛 三木 大臣発

総領事

7 89

沖縄航路および日航の沖縄内運航（訓令）

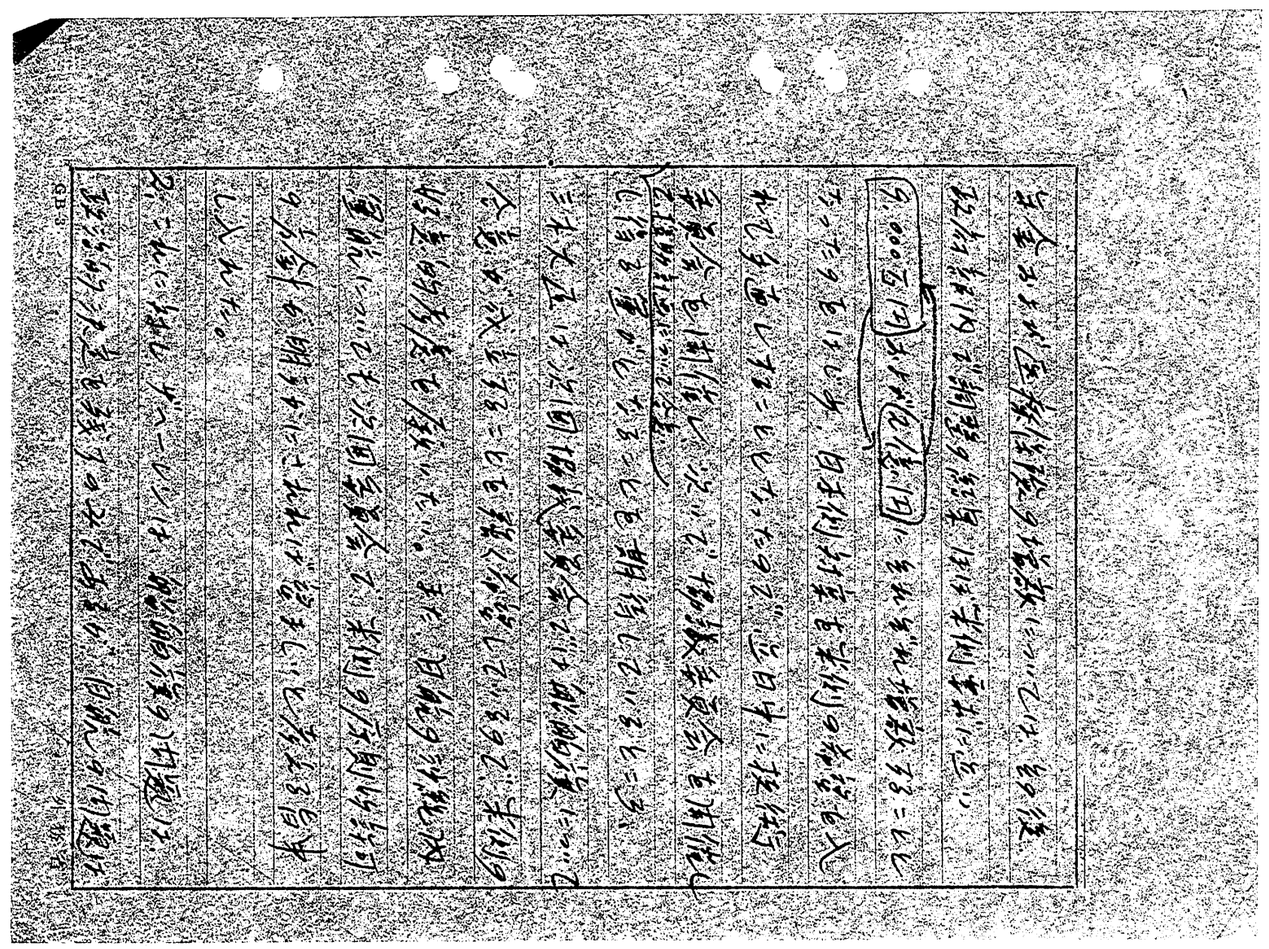
貴電第275号に関し

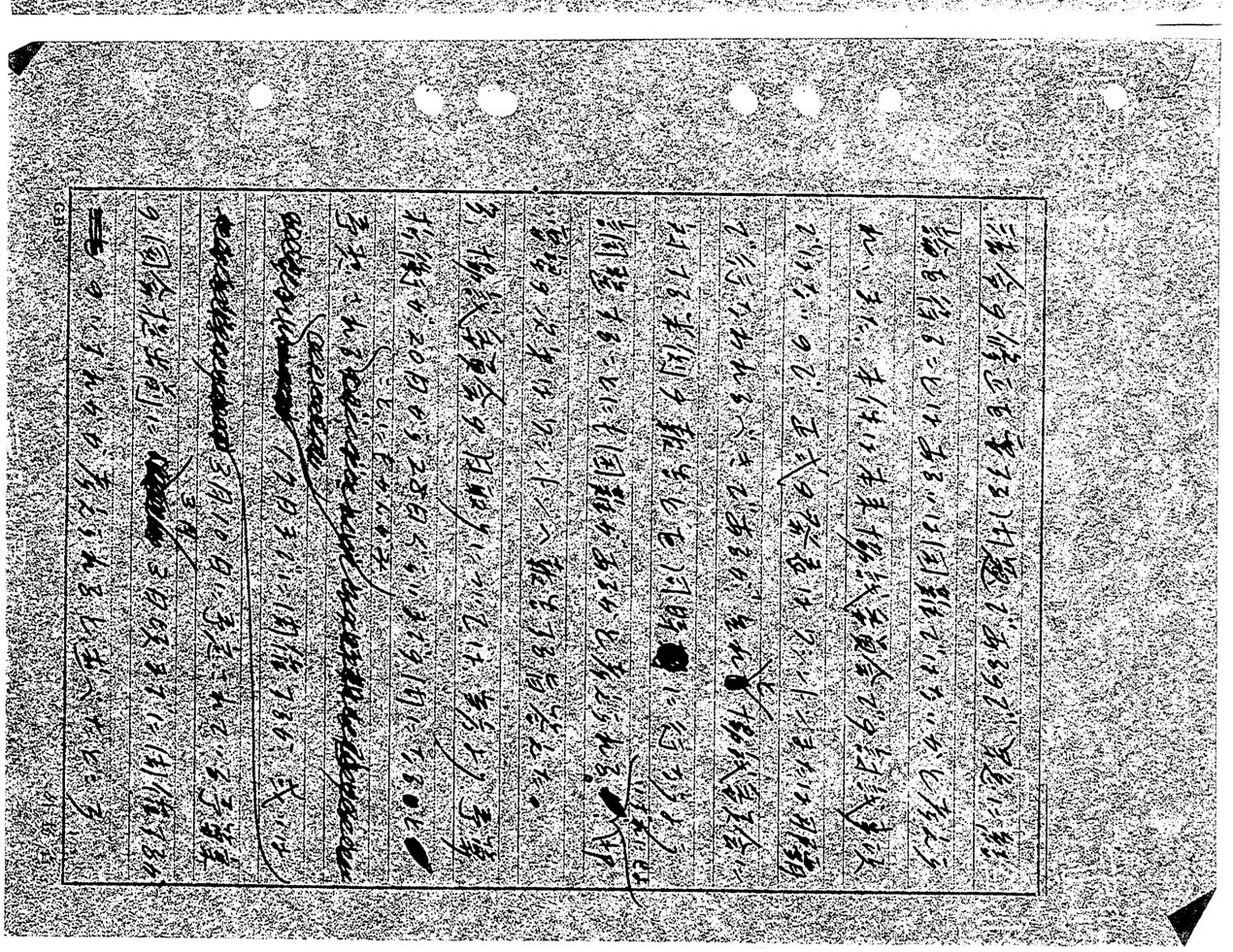
1/6日ナベール書記官と会談の際北米課長より

1月25日バンコク政府計画局長と会談（往信

第126号参照）において米側より要望のあった点

外務省





（[redacted] 7日南連事務所よりの連絡によれば、民政府は[redacted]アンガー高等弁務官のワシントン出張計画との関係もあり、技術委員会の開催を20以降まで遅らせたい由であり、その場合には協議委員会の17日以前の開催は不可能かと考えられるので、現在日取りについて調整中で（まだ）両委員会の

先方より、3月まで待っても、船舶旗および自航のいずれの問題についても合意が成立しない場合には、むしろ3月17日までに開催して援助計画のみについて合意することも考えられるのではないか、と述べたので、当方より、そういうことも考え[redacted]られるが、当方としては大臣の強い希望でもあり、少なくとも船舶旗の問題については、次回協議委員会で合意に至ることを強く期待するものなる旨重ねて述べておいた。

4、ついては、貴館においても、[redacted]上記の2問題、とくに船舶旗の問題について、米側が早急に好意的な決定を下すよう（引続き）国務省等に適宜働きかけ、[redacted]結果随時回電ありたい。

北米局長
参事官
北米課長

田中事務官

沖縄商船自動車路の運行に関する
新行政命令と布令第61号の公布

標記新行政命令第11326号の公布に関する米民政府のプレスリリーズには、新らたに制定する運輸行規則の発効までの期間、現りライセンスが引き続き有効~~する~~旨の布令を公布する旨記述されていたところ、今般、南海事務所(上東事務官)より特連局を通じ、本件布令第61号本文(2月16日付)の送付を受けたので、別添のとおり供覧します。

GA-6

外務省

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of the High Commissioner
APO San Francisco 96248

HICOM ORDINANCE
NUMBER 61

16 February 1967

REGULATION OF CIVIL AVIATION

1. Pursuant to the provisions of Executive Order 11326, 13 February 1967, the High Commissioner has assumed responsibility for the safety regulation of civil aeronautics in the Ryukyu Islands. Pending issuance of implementing regulations, all current operating certificates and operations specifications issued by the Federal Aviation Agency to air carriers operating between places in the Ryukyu Islands and between the Ryukyu Islands and places outside thereof shall remain in effect. The United States Air Force will continue to provide air traffic control services in the Okinawa Flight Information Region in accordance with established rules and procedures.

2. The effective date of this Ordinance shall be identical with the date of Executive Order 11326.

FOR THE HIGH COMMISSIONER:

GERALD WARNER
Civil Administrator

DISTRIBUTION:
A to F

NEWS RELEASE

PLEASE NOTE DATE

THE HIGH COMMISSIONER OF THE RYUKYU ISLANDS

UNITED STATES CIVIL ADMINISTRATION
OF THE RYUKYU ISLANDS
PUBLIC AFFAIRS DEPARTMENT
NAHA, OKINAWA
APO SAN FRANCISCO 96248
TEL 72941 EXT 32
72153

FOR IMMEDIATE NEWS RELEASE:

NEWS RELEASE: 67-59
February 17, 1967

PRESIDENT SIGNS EXECUTIVE ORDER FOR REGULATION OF AIR TRANSPORTATION IN RYUKYUS

Naha, Okinawa, Feb. 17 -- President Johnson on Feb. 13 signed an Executive Order providing for the Regulation of Air Transportation in the Ryukyu Islands, according to notification from Washington, the U.S. Civil Administration of the Ryukyu Islands (USCAR), announced today.

The growth of air-carrier operations within the Ryukyu Islands during the past few years has suggested the desirability of having the U.S. Civil Aeronautics Board and the Federal Aviation Agency assist the High Commissioner of the Ryukyu Islands who (under delegation from the Secretary of Defense) is responsible for the civil administration of the Ryukyus, by contributing their professional and technical expertise to such operations to ensure that they are conducted with economic soundness, safety, and efficiency. Both of these agencies have been participating, for some years, in various regulatory activities in this area under and pursuant to the general authority of Article 3 of the Treaty of Peace with Japan.

The order confirms the application of the Federal Aviation Act of 1958 to the Ryukyu Islands in such a manner as permits the Civil Aeronautics Board to retain its responsibility for the economic regulation of international air transportation in the Islands and investigation of aircraft accidents occurring therein. Other air transportation activities in the Islands will be regulated by the High Commissioner, with the technical advice and assistance of the Civil Aeronautics Board and the Federal Aviation Agency.

The new measures will not affect the responsibility of the Department of Defense for the regulation of all air traffic and the operation of all air navigation facilities within the Ryukyuan archipelago. The Department of the Air Force will continue to perform these functions because of the overriding requirements of military aviation in this strategic area, which serves an important role in preserving the security of the Far East.

Based on the Executive Order, the High Commissioner in the near future will issue a new ordinance and regulations governing civil air transportation in the Ryukyu Islands. This legislation will, for the first

time, provide a sound legal basis for the participation of non-U.S. citizens and activities in domestic civil air transportation under firmly-established safety procedures and standards.

This legislation will permit the selection of a carrier for the Ryukyus' inter-island air service from among proposals submitted by Air America, Aloha Airlines, and Japan Airlines.

Pending issuance of new legislation and implementing regulations, USCAR today issued High Commissioner Ordinance No.61, in order to preserve and continue the validity of all current operating certificates and operations specifications previously issued by the Federal Aviation Agency to international and local air carriers operating in and through the Ryukyu Islands.

(END)

NEWS RELEASE: 67-59 February 17, 1967

To Editors: This unofficial Japanese translation of attached news release is provided to assist you.

琉球における航空規則を規定した行政命令に大統領が署名

沖縄、那覇、２月１７日．．．米国民政府がワシントンから受けた連絡によるとジョンソン大統領は２月１３日に琉球における航空規則を規定した行政命令に署名した。

ここ数年間、琉球における航空運輸の発展は目ざましいものがあり、これに伴い米国民間航空委員会や連邦航空局によつて琉球の民政責任者である高等弁務官（国防長官の委任のもと）に援助を与えることが必要となつて来た。 これら民間航空委員会や連邦航空局の専門的技術的意見によつて地元航空事業の健全運営や空の安全、能率が確保されることとなる。 これらの両機関は対日平和条約第３条の当地域における航空規制に関して今まで、ずつと活動を続けてきているものである。

同行政命令は琉球における国際航路の経済規定と当地に発生する航空事故の調査は米国民間航空委員会が引続きその責任を有することを認める形で琉球に対し１９５８年制定の連邦航空法を適用することを確認している。 琉球におけるその他の航空活動については民間航空委員会及び連邦航空局の技術的助言と援助の下、高等弁務官が規定することになつている。

この新しい措置は、琉球列島におけるすべての航空規制や航行援助施設の運営に対する米国国防省の責任に影響を及ぼすことにはならない。 空軍省は、極東の安全を維持する上に重要な役割りを果しているこの戦略地域において軍事航空が益々必要とされている折柄、これらの機能を果し続けることになる。

高等弁務官は、近い将来、この行政命令にもとづいて、琉球列島における民間航空を管理する新しい布令と規則を公布することになつている。 この法律は、厳重に定められた安全手続きと安全基準にもとづく島内民間航空事業に、はじめて米国人以外の参加と活動を許す法的基礎となるものである。

琉球の島内航空事業に参加したいとの申し込みが現在、エアー・アメリカ、アロハ航空及び日本航空から提出されているが、この法令によつて、一社を選択することが可能となる。

新法令及び同施行細則が公布されるまでの臨時措置として、民政府は今日、高等弁務官布令６１号を公布した。 これは琉球内もしくは琉球を通過する国際線及び島内線の航空機に対して、連邦航空局が以前に発給したすべての航空運航証明書及び運航規定の効力を持続させるためである。

（完）

EXECUTIVE ORDER 11326

Feb. 13, 1967

PROVIDING FOR THE REGULATION OF
AIR TRANSPORTATION IN THE RYUKYU ISLANDS

By virtue of the authority vested in me by the Constitution and laws of the United States, including Section 1110 of the Federal Aviation Act of 1958 (72 Stat. 800, 49 U.S.C. 1510), and as President of the United States and Commander in Chief of the Armed Forces of the United States, and having determined that such action would be in the national interest, it is hereby ordered as follows:

SECTION 1. As used in this order,

(a) "Ryukyu Islands" means the territory, including territorial waters and overlying airspace, to which Executive Order No. 10713 of June 5, 1957, as amended, applies.

(b) "Act" means the Federal Aviation Act of 1958 (72 Stat. 731, 49 U.S.C. 1301 et seq), as amended.

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

(d) "High Commissioner" means the High Commissioner of the Ryukyu Islands.

SEC. 2. The provisions of Titles IV, VIII, IX, X, and Section 1108(b) of the Act, together with the related definitions in Section 101 thereof, are extended to the Ryukyu Islands insofar as applicable to the economic regulation by the Board of civil air transportation originating in the Ryukyu Islands and terminating elsewhere, or terminating in the Ryukyu Islands and originating elsewhere, or transiting the Ryukyu Islands.

SEC. 3. The provisions of Title VII of the Act are extended to the Ryukyu Islands for all purposes.

SEC. 4. Before taking action on any application filed pursuant to the Act as extended by this order, the Board shall obtain and consider the views of the High Commissioner concerning such application. The High Commissioner shall promptly provide such views to the Board on request.

SEC. 5. All presently outstanding orders, authorizations, and regulations applicable to the Ryukyu Islands, heretofore entered by the Board under the Act or by a predecessor agency under the Civil Aeronautics Act of 1938 (52 Stat. 973), are hereby ratified and confirmed.

SEC. 6. The High Commissioner shall control and regulate aviation within the Ryukyu Islands except as provided in Sections 2 and 3. The Board and the Administrator of the Federal Aviation Agency shall furnish the High Commissioner such technical advice and assistance, pursuant to interagency agreement, as he shall require to carry out this responsibility.

SEC. 7. The Ryukyu Islands are removed from the applicability of Executive Order No. 10854 of November 27, 1959.

EXECUTIVE ORDER NO. 11326

14 FEB 1967

PROVIDING FOR THE REGULATION OF AIR TRANSPORTATION IN THE RYUKYU ISLANDS

BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF THE UNITED STATES, INCLUDING SECTION 1110 OF THE FEDERAL AVIATION ACT OF 1958 (72 STAT. 800, 49 U.S.C. 1510), AND AS PRESIDENT OF THE UNITED STATES AND COMMANDER IN CHIEF OF THE ARMED FORCES OF THE UNITED STATES, AND HAVING DETERMINED THAT SUCH ACTION WOULD BE IN THE NATIONAL INTEREST, IT IS HEREBY ORDERED AS FOLLOWS

SECTION 1. AS USED IN THIS ORDER,

(A) " RYUKYU ISLANDS" MEANS THE TERRITORY, INCLUDING TERRITORIAL WATERS AND OVERLYING AIRSPACE, TO WHICH EXECUTIVE ORDER NO. 10713 OF JUNE 5, 1957, AS AMENDED, APPLIES.

(B) "ACT" MEANS THE FEDERAL AVIATION ACT OF 1958 (72 STAT. 731, 49 U.S.C. 1301 ET SEC.), AS AMENDED.

(C) "BOARD" MEANS THE CIVIL AERONAUTICS BOARD.

(D) "HIGH COMMISSIONER" MEANS THE HIGH COMMISSIONER OF THE RYUKYU ISLANDS.

SEC. 2. THE PROVISIONS OF TITLES IV, VIII, IX, X, AND SECTION 1103(B) OF THE ACT, TOGETHER WITH THE RELATED DEFINITIONS IN SECTION 101 THEREOF, ARE EXTENDED TO THE RYUKYU ISLANDS INSOFAR AS APPLICABLE TO THE ECONOMIC REGULATION BY THE BOARD OF CIVIL AIR TRANSPORTATION ORIGINATING IN THE RYUKYU ISLANDS THE TERMINATING ELSEWHERE, OR TERMINATING IN THE RYUKYU ISLANDS AND ORIGINATING ELSEWHERE, OR TRANSITING THE RYUKYU ISLANDS.

SEC. 3. THE PROVISIONS OF TITLE VII OF THE ACT ARE EXTENDED TO THE RYUKYU ISLANDS FOR ALL PURPOSES.

SEC. 4. BEFORE TAKING ACTION ON ANY APPLICATION FILED PURSUANT TO THE ACT AS EXTENDED BY THIS ORDER, THE BOARD SHALL OBTAIN AND CONSIDER THE VIEWS OF THE HIGH COMMISSIONER CONCERNING SUCH APPLICATION. THE HIGH COMMISSIONER SHALL PROMPTLY PROVIDE SUCH VIEWS TO THE BOARD ON REQUEST.

SEC. 5. ALL PRESENTLY OUTSTANDING ORDERS, AUTHORIZATIONS, AND REGULATIONS APPLICABLE TO THE RYUKYU ISLANDS, HERETOFORE ENTERED BY THE BOARD UNDER THE ACT OR BY A PREDECESSOR AGENCY UNDER THE CIVIL AERONAUTICS ACT OF 1933 (52 STAT. 973), ARE HEREBY RATIFIED AND CONFIRMED.

SEC. 6. THE HIGH COMMISSIONER SHALL CONTROL AND REGULATE AVIATION WITHIN THE RYUKYU ISLANDS EXCEPT AS PROVIDED IN SECTIONS 2 AND 3. THE BOARD AND THE ADMINISTRATOR OF THE FEDERAL AVIATION AGENCY SHALL FURNISH THE HIGH COMMISSIONER SUCH TECHNICAL ADVICE AND ASSISTANCE, PURSUANT TO INTERAGENCY AGREEMENT, AS HE SHALL REQUIRE TO CARRY OUT THIS RESPONSIBILITY.

SEC. 7. THE RYUKYU ISLANDS ARE REMOVED FROM THE APPLICABILITY OF EXECUTIVE ORDER NO. 10854 OF NOVEMBER 27, 1959.

注 意
1. 本電の取扱いは慎重を期せられたい。
2. 本電の主管変更その他については検閲班に連絡ありたい。

電信写

大臣 官房長 次官 官房 事務 外務

総理 人事 電電 官房 会計 厚生

国務長官 参事 調査

長官 参事 総務 北東 中西

北米局長 参事 北米

中近東移民長 参南 総務 旅住

欧亜局長 参欧 西東

近東局長 近

経済局長 調査 参南 二ッ 統ラ 周一 欧 近 通ス

協力局長 参経 経協 政技 国際 賠償 賠経

条約局長 条約 法規

国際法局長 参経 欧亜 軍事 専門

情報文化局長 参内 館外 文化 文二

総番号 (IA) 3138
67年2月14日21時50分 ワシントン 発 主管
67年2月15日11時34分 本省 着 米北

外務大臣殿 武内大使 総領事 臨時代理

沖縄問題について

第425号 暗秘略 大至急 至急 普通 LTF

(以下別紙英文)

EXECUTIVE ORDER NO. 11326

14 FEB 1967

PROVIDING FOR THE REGULATION OF
AIR TRANSPORTATION IN THE RYUKYU ISLANDS

BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF THE UNITED STATES, INCLUDING SECTION 1110 OF THE FEDERAL AVIATION ACT OF 1958 (72 STAT. 800, 49 U.S.C. 1510), AND AS PRESIDENT OF THE UNITED STATES AND COMMANDER IN CHIEF OF THE ARMED FORCES OF THE UNITED STATES, AND HAVING DETERMINED THAT SUCH ACTION WOULD BE IN THE NATIONAL INTEREST, IT IS HEREBY ORDERED AS FOLLOWS

SECTION 1. AS USED IN THIS ORDER,

(A) "RYUKYU ISLANDS" MEANS THE TERRITORY, INCLUDING TERRITORIAL WATERS AND OVERLYING AIRSPACE, TO WHICH EXECUTIVE ORDER NO. 10713 OF JUNE 5, 1957, AS AMENDED, APPLIES.

(B) "ACT" MEANS THE FEDERAL AVIATION ACT OF 1958 (72 STAT. 731, 49 U.S.C. 1301 ET SEC.), AS AMENDED.

(C) "BOARD" MEANS THE CIVIL AERONAUTICS BOARD.

(D) "HIGH COMMISSIONER" MEANS THE HIGH COMMISSIONER OF THE RYUKYU ISLANDS.

SEC. 2. THE PROVISIONS OF TITLES IV, VIII, IX, X, AND SECTION

1103(B) OF THE ACT, TOGETHER WITH THE RELATED DEFINITIONS IN SECTION 101 THEREOF, ARE EXTENDED TO THE RYUKYU ISLANDS INSOFER AS APPLICABLE TO THE ECONOMIC REGULATION BY THE BOARD OF CIVIL AIR TRANSPORTATION ORIGINATING IN THE RYUKYU ISLANDS THE TERMINATING ELSEWHERE, OR TARMINATING IN THE RYUKYU ISLANDS AND ORIGINATING ELSEWHERE, OR TRANSITING THE RYUKYU ISLANDS.

SEC. 3. THE PROVISIONS OF TITLE VII OF THE ACC ARE EXTENDED TO THE RYUKYU ISLANDS FOR ALL PURPOSES.

SEC. 4. BEFORE TAKING ACTION ON ANY APPLICATION FILED PURSUANT TO THE ACT AS EXTENDED BY THIS ORDER, THE BOARD SHALL OBTAIN AND CONSIDER THE VIEWS OF THE HIGH COMMISSIONER CONCERNING SUCH APPLICATION. THE HIGH COMMISSIONER SHALL PROMPTLY PROVIDE SUCH VIEWS TO THE BOARD ON REQUEST.

SEC. 5. ALL PRESENTLY OUTSTANDING ORDERS, AUTHORIZATIONS, AND REGULATIONS APPLICABLE TO THE RYUKYU ISLANDS, HERETOFORE ENTORED BY THE BOARD UNDER THE ACT OR BY A PREDECESSOR AGENCY UNDER THE CIVIL AERUNAUTICS ACT OF 1933 (52 STAT. 973), ARE HEREBY RATIFIED AND CONFIRMED.

SEC. 6. THE HIGH COMMISSIONER SHALL CONTROL AND REGULATE AVIATION WITHIN THE RYUKYU ISLANDS EXCEPT AS PROVIDED IN SECTIONS 2 AND 3. THE BOARD AND THE ADMINISTRATOR OF THE FEDERAL AVIATION AGENCY SHALL FURNISH THE HIGH COMMISSIONER SUCH TECHNICAL ADVICE AND ASSISTANCE, PURSUANT TO INTERAGENCY AGREEMENT,

AS HE SHALL REQUIRE TO CARRY OUT THIS RESPONSIBILITY.

SEC. 7. THE RYUKYU ISLANDS ARE REMOVED FROM THE APPLICABILITY OF EXECUTIVE ORDER NO. 10854 OF NOVEMBER 27, 1959.

(3)

北米局長
参事官
北米課長

高杉領事所長からの電報
(

2月18日 領事 高杉所長より入電した電報
次のとおり.

1. (第34号) USCARは17日. 別電第35号の新聞発表を行なった。日航乗り入れと関係ある向きにウナ連絡ありたい。 領事 高杉
(別添1.)

2. (第35号)
(別添2.)

電報

送信通過番号

発信番号 0712

第一行目の記載順序は次のとおりです。
第一行(局用記事・第一行(種類)・字数・発信局・発信番号・(受付日)・受付時刻

送信 時 分

送信者

無名者

受信

電話番号

対話者

局へお問い合わせください。

42.2.17

日本電信電話公社

(16) 北信第33号 *

別添二

PRESIDENT JOHNSON ON FEBRUARY 13 SIGNED AN EXECUTIVE ORDER PROVIDING FOR THE REGULATION OF AIR TRANSPORTATION IN THE RYUKYU ISLANDS, ACCORDING TO NOTIFICATION FROM WASHINGTON, THE U.S. CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS (USCAR), ANNOUNCED TODAY.

THE GROWTH OF AIR-CARRIER OPERATIONS WITHIN THE RYUKYU ISLANDS DURING THE PAST FEW YEARS HAS SUGGESTED THE DESIRABILITY OF HAVING THE U.S. CIVIL AERONAUTICS BOARD AND THE FEDERAL AVIATION AGENCY ASSIST THE HIGH COMMISSIONER OF THE RYUKYU ISLANDS WHO (UNDER DELEGATION FROM THE SECRETARY OF DEFENSE) IS RESPONSIBLE FOR THE CIVIL ADMINISTRATION OF THE RYUKYUS, BY CONTRIBUTING THEIR PROFESSIONAL AND TECHNICAL EXPERTISE TO SUCH OPERATIONS TO ENSURE THAT THEY ARE CONDUCTED WITH ECONOMIC SOUNDNESS, SAFETY, AND EFFICIENCY. BOTH OF THESE AGENCIES HAVE BEEN PARTICIPATING, FOR SOME YEARS, IN VARIOUS REGULATORY ACTIVITIES IN THIS AREA UNDER AND PURSUANT TO THE GENERAL AUTHORITY OF ARTICLE 3 OF THE TREATY OF PEACE WITH JAPAN.

THE ORDER CONFIRMS THE APPLICATION ~~OF THE FEDERAL AVIATION~~ OF THE FEDERAL AVIATION ACT OF 1958 TO THE RYUKYU ISLANDS IN SUCH A MANNER AS PERMITS THE CIVIL AERONAUTICS BOARD TO RETAIN ITS RESPONSIBILITY (FOR THE ECONOMIC REGULATION) IN THE ISLANDS AND INVESTIGATION OF AIRCRAFT ACCIDENTS OCCURRING THEREIN.

OTHER

OTHER AIR TRANSPORTATION ACTIVITIES IN THE ISLANDS WILL BE REGULATED BY THE HIGH COMMISSIONER, WITH THE TECHNICAL ADVICE AND ASSISTANCE OF THE CIVIL AERONAUTICS BOARD AND THE FEDERAL AVIATION AGENCY.

THE NEW MEASURES WILL NOT AFFECT THE RESPONSIBILITY OF THE DEPARTMENT OF DEFENSE FOR THE REGULATION OF ALL AIR TRAFFIC AND THE OPERATION OF ALL AIR NAVIGATION FACILITIES WITHIN THE RYUKYUAN ARCHIPELAGO. THE DEPARTMENT OF THE AIR FORCE WILL CONTINUE TO PERFORM THESE FUNCTIONS BECAUSE OF THE OVERRIDING REQUIREMENTS OF MILITARY AVIATION IN THIS STRATEGIC AREA, WHICH SERVES AN IMPORTANT ROLE IN PRESERVING THE SECURITY OF THE FAR EAST.

BASED ON THE EXECUTIVE ORDER, THE HIGH COMMISSIONER IN THE NEAR FUTURE WILL ISSUE A NEW ORDINANCE AND REGULATIONS GOVERNING CIVIL AIR TRANSPORTATION IN THE RYUKYU ISLANDS. THIS LEGISLATION WILL, FOR THE FIRST TIME, PROVIDE A SOUND LEGAL BASIS FOR THE PARTICIPATION OF NON-U.S. CITIZENS AND ACTIVITIES IN DOMESTIC CIVIL AIR TRANSPORTATION UNDER FIRMLY ESTABLISHED SAFETY PROCEDURES AND STANDARDS.

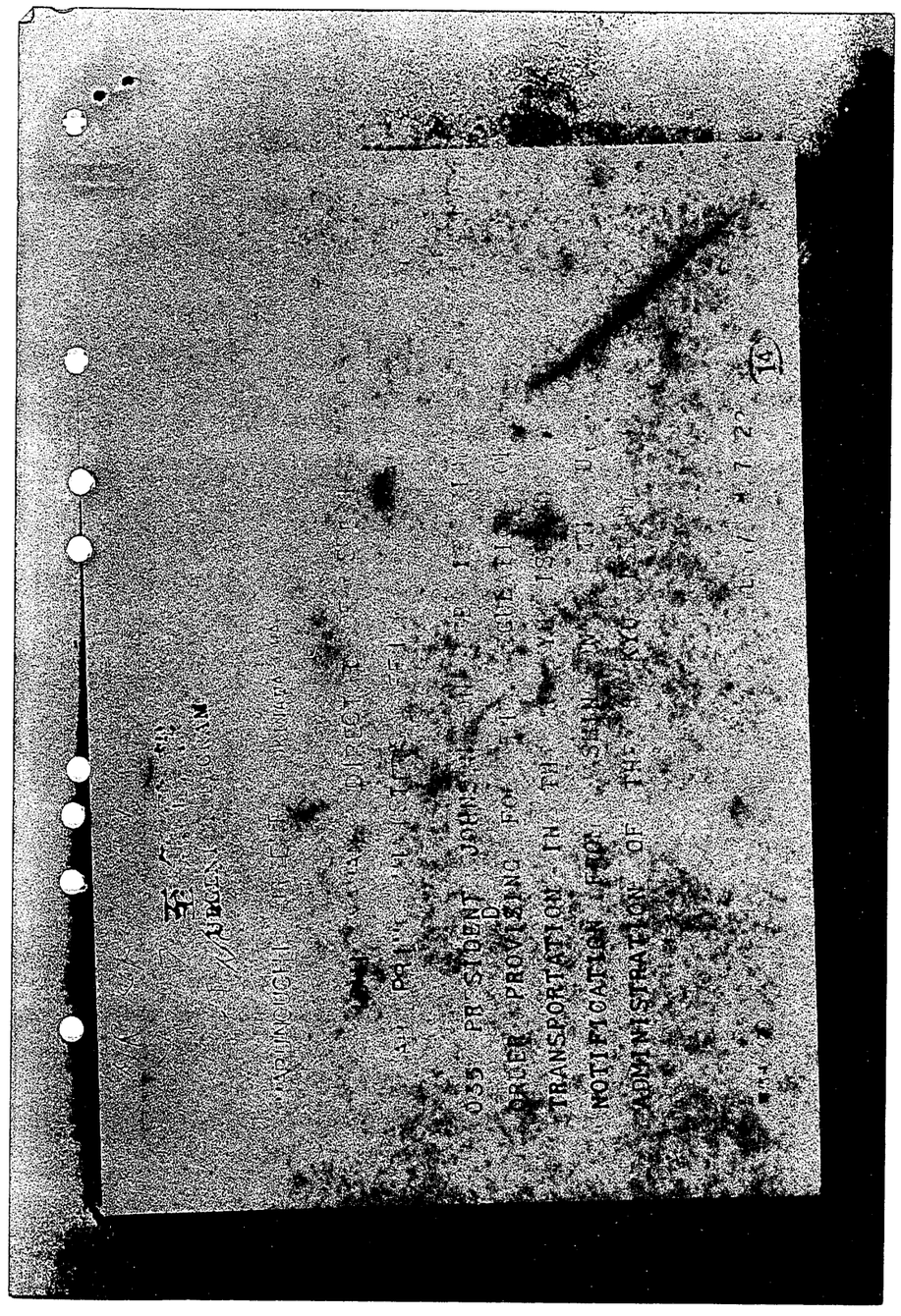
THIS LEGISLATION WILL PERMIT THE SELECTION OF A CARRIER FOR THE RYUKYUS' INTER-ISLAND AIR SERVICE FROM AMONG PROPOSALS SUBMITTED BY AIR AMERICA, ALOHA AIRLINES, AND JAPAN AIRLINES.

PENDING ISSUANCE OF NEW LEGISLATION AND IMPLEMENTING REGULATIONS, USCAR TODAY ISSUED HIGH COMMISSIONER ORDINANCE NO. 61. IN ORDER TO PRESERVE AND CONTINUE THE VALIDITY OF

ALL

ALL CURRENT OPERATING CERTIFICATES AND OPERATIONS SPECIFICATIONS PREVIOUSLY ISSUED BY THE FEDERAL AVIATION AGENCY TO INTERNATIONAL AND LOCAL AIR CARRIERS OPERATING IN AND THROUGH THE RYUKYU ISLANDS.

(END)


URGENT
ARLINGTON
PRESIDENT
ORDER PROVIDING FOR
TRANSPORTATION IN THE
NOTIFICATION FROM
ADMINISTRATION OF THE

TELEGRAM

NIPPON TELEGRAPH AND TELEPHONE PUBLIC CORPORATION

Out Office No. Time Sent By Collated by

(2)

ANNOUNCED TODAY. THE GROWTH OF AIR-CARRIER OPERATIONS WITHIN THE RYUKYU ISLANDS DURING THE PAST FEW YEARS HAS SUGGESTED THE DESIRABILITY OF HAVING THE U.S. CIVIL AERONAUTICS BOARD AND THE FEDERAL AVIATION AGENCY ASSIST THE HIGH COMMISSIONER OF THE RYUKYU ISLANDS WHO (UNDER DELEGATION FROM THE SECRETARY OF

Type Recorded By Checked

TELEGRAM

NIPPON TELEGRAPH AND TELEPHONE PUBLIC CORPORATION

R. No. | Out Office No. | Time Sent | By | Collated by

(3)

DEFENSE) IS RESPONSIBLE FOR THE CIVIL ADMINISTRATION
OF THE RYUKYUS , BY CONTRIBUTING THEIR PROFESSIONAL
AND TECHNICAL EXPERTISE TO SUCH OPERATIONS TO ENSURE
THAT THEY ARE CONDUCTED WITH ECONOMIC SOUNDNESS ,
SAFETY , AND EFFICIENCY. BOTH OF THESE AGENCIES
HAVE BEEN PARTICIPATING , FOR SOME YEARS , IN

Time Received | By | Collated by

電信4 (陽)

TELEGRAM

NIPPON TELEGRAPH AND TELEPHONE PUBLIC CORPORATION

R. No. | Out Office No. | Time Sent | By | Collated by

(4)

VARIOUS REGULATORY ACTIVITIES IN THIS AREA UNDER AND PURSUANT TO THE GENERAL AUTHORITY OF ARTICLE 3 OF THE TREATY OF PEACE WITH JAPAN. THE ORDER CONFIRMS THE APPLICATION OF THE FEDERAL AVIATION ACT OF 1958 TO THE RYUKYU ISLANDS IN SUCH A MANNER AS PERMITS THE CIVIL AERONAUTICS BOARD TO RETAIN ITS

電信4 (為) Time Received By Collated by

TELEGRAM

NIPPON TELEGRAPH AND TELEPHONE PUBLIC CORPORATION

R. No.	Out Office No.	Time Sent	By	Collated by

(5)

RESPONSIBILITY (FOR THE ECONOMIC REGULATION OF INTERNATIONAL AIR TRANSPORTAION)IN THE ISLANDS AND INVESTIGATION OF AIRCRAFT ACCIDENTS OCCURRING THEREIN, OTHER AIR TRANSPORTATION ACTIVITIES IN THE ISLANDS WILL BE REGULATED BY THE HIGH COMMISSIONER , WITH THE TECHNICAL ADVICE AND ASSISTANCE OF THE CIVIL

電信4 (第) Time Received By Collated by

TELEGRAM

NIPPON TELEGRAPH AND TELEPHONE PUBLIC CORPORATION

R.No.	Out	Office No.	Time Sent	By	Collated by

(6)

AERONAUTICS BOARD AND THE FEDERAL AVIATION AGENCY. THE NEW MEASURES WILL NOT AFFECT THE RESPONSIBILITY OF THE DEPARTMEN DEFENSE FOR THE REGULATION OF ALL AIR TRAFFIC AND THE OPERATION OF ALL AIR NAVIGATION FACILITIES WITHIN THE RYUKYUAN ARCHIPELAGO. THE DEPARTMENT OF THE AIR FORCE WILL CONTINUE TO PERFORM

電信4 (鶴)

Time Received By Collated by

TELEGRAM

NIPPON TELEGRAPH AND TELEPHONE PUBLIC CORPORATION

R. No.	Out Office No.	Time Sent	By	Collated by

(7)

THESE FUNCTIONS BECAUSE OF THE OVERRIDING REQUIREMENTS OF MILITARY AVIATION IN THIS STRATEGIC AREA , WHICH SERVES AN IMPORTANT ROLE IN PRESERVING THE SECURITY OF THE FAR EAST. BASED ON THE EXECUTIVE ORDER , THE HIGH COMMISSIONER IN THE NEAR FUTURE WILL ISSUE A NEW ORDINANCE AND REGULATIONS GOVERNING CIVIL AIR

電信4 (第) Time Received By Collated by

TELEGRAM

NIPPON TELEGRAPH AND TELEPHONE PUBLIC CORPORATION

R. No. | Out Office No. | Time Sent | By | Collated by

(8)

TRANSPORTATION IN THE RYUKYU ISLANDS. THS LEGISLATION WILL , FOR THE FIRST TIME , PROVIDE A SOUND LEGAL BASIS FOR THE PARTICIPATION OF NON-U.S. CITIZENS AND ACTIVITIES IN DOMESTIC CIVIL AIR TRANSPORTATION UNDER FIRMLY ESTABLISHED SAFETY PROCEDURES AND STANDARDS. THIS LEGISLATION WILL PERMIT THE SELECTION OF A CARRIER FOR THE RYUKYUS' INTER-ISLAND AIR SERVICE

Time Received | By | Collated by

電信4 (邦)

TELEGRAM

NIPPON TELEGRAPH AND TELEPHONE PUBLIC CORPORATION

R No. Out Office No. Time Sent By Collated by

(9)

FROM AMONG PROPOSALS SUBMITTED BY AIR AMERICA , ALOHA AIRLINES , AND JAPAN AIRLINES. PENDING ISSUANCE OF NEW LEGISLATION AND IMPLEMENTING REGULATIONS . USCAR TODAY ISSUED HIGH COMMISSIONER ORDINANCE NO.61 . IN ORDER TO PRESERVE AND CONTINUE THE VALIDITY OF ALL CURRENT OPERATING CERTIFICATES AND OPERATIONS

Time Received By Collated by

TELEGRAM

NIPPON TELEGRAPH AND TELEPHONE PUBLIC CORPORATION

From Out Office No. Time Sent By Collated by

(10)

ØSPECIFICATIONS PREVIOUSLY ISSUED BY THE FEDERAL AVIATION AGENCY TO INTERNATIONAL AND LOCAL AIR CARRIERS OPERATING INØ AND THROUGH THE RYUKYU ISLANDS. KANJI TAKASUGI

電信4（為） Time Received

66

外務省北米局長殿

北米局長
参事官
北米課長

写

総南連第４１９号

昭和４２年２月２０日

総理府特別地域連絡局長　殿

那覇日本政府南方連絡事務所長

琉球における航空規則を規定した米国大統領行政命令に関する件

往電第３４号に関し，２月１６日公布された高等弁務官布令６１号（米国大統領行政命令１１３２６号に基づく琉球における民間航空を管理する新法令及び同施行規則が公布されるまでの暫定措置を内容するもの）のテキスト１部別添送付する。

本信写送付先　　外務省北米局長（付属物１部）

要処理	連絡
要研究	急
課	長
英	内
渡辺	津
田中	園
森山	元
相川	田
中田	
橋本	
黒須	

総　理　府

外務省 42.2.24 総務課

写

UNITED STATES CIVIL ADMINISTRATION OF THE RYUKYU ISLANDS
Office of the High Commissioner
APO San Francisco 96248

HICOM ORDINANCE NUMBER 61

16 February 1967

REGULATION OF CIVIL AVIATION

1. Pursuant to the provisions of Executive Order 11326, 13 February 1967, the High Commissioner has assumed responsibility for the safety regulation of civil aeronautics in the Ryukyu Islands. Pending issuance of implementing regulations, all current operating certificates and operations specifications issued by the Federal Aviation Agency to air carriers operating between places in the Ryukyu Islands and between the Ryukyu Islands and places outside thereof shall remain in effect. The United States Air Force will continue to provide air traffic control services in the Okinawa Flight Information Region in accordance with established rules and procedures.

2. The effective date of this Ordinance shall be identical with the date of Executive Order 11326.

FOR THE HIGH COMMISSIONER:

Gerald Warner

GERALD WARNER
Civil Administrator

DISTRIBUTION:
A to F

大統領行政命令第　号（1967. 2. 14発効）関係法令
引用

対照表

FAA法 条項	U.S Code 条項
	49 U.S.C.
Sec. 101 (Title I)	§ 1301
Title IV	§ 1371 ~ § 1386
Title VII	§ 1441 ~ § 1443
Title VIII	§ 1461 ~ § 1463
Title IX	§ 1471 ~ § 1474
Title X	§ 1481 ~ § 1489
Sec. 1108 (Title XI)	§ 1508
Sec. ~~1510~~ 1110 (Title XI)	§ 1510

Sec.
1485. Orders, notices, and service.
(a) Effective date of orders; emergency orders.
(b) Designation of agent for service.
(c) Manner of service.
(d) Suspension or modification of orders.
(e) Compliance with orders.
(f) Findings of fact; service of orders.
1486. Judicial review.
(a) Orders subject to review; petition for review.
(b) Venue.
(c) Notice to Board or Administrator; filing of transcript.
(d) Power of court.
(e) Conclusiveness of findings of fact; objections.
(f) Review by Supreme Court.
1487. Judicial enforcement; jurisdiction; application; costs.
1488. Participation by Board or Administrator in court proceedings.
1489. Joinder of parties; intervention.

SUBCHAPTER XI.—MISCELLANEOUS

1501. Hazards to air commerce.
1502. International agreements.
1503. Documents as evidence.
1504. Public disclosure of information.
1505. Cooperation with government agencies.
1506. Remedies not exclusive.
1507. Public use of facilities; emergency sale of equipment, supplies and services.
1508. Declaration of national sovereignty in air space; operation of foreign aircraft.
1509. Application of existing laws relating to foreign commerce.
(a) Navigation and shipping.
(b) Ports of entry for civil aircraft.
(c) Entry and clearance of vessels.
(d) Animal and plant quarantine.
1510. Geographical extension of jurisdiction.

SUBCHAPTER XII.—SECURITY PROVISIONS

1521. Declaration of purpose.
1522. Security control of air traffic.
1523. Penalties.

SUBCHAPTER XIII.—WAR RISK INSURANCE

1531. Definitions.
1532. Authority to provide insurance; consideration of risk.
1533. Persons, property, and interests insurable.
1534. Insurance of property of Government departments and agencies; indemnity agreements.
1535. Reinsurance; rates; allowances to insurance carriers.
1536. Insurance fund.
(a) Creation of revolving fund; payments from fund.
(b) Appropriations.
(c) Payment of surplus into Treasury.
(d) Annual payments to Treasury as miscellaneous receipts.
(e) Contributions to Civil Service Retirement and Disability Fund and employees' compensation fund; annual billings.
1537. Administrative provisions.
(a) Issuance of policies; rules and regulations; settlement of claims.
(b) Forms and policies; rates.
(c) Commercial practice controlling; limitation on fees.
(d) Underwriting agents.
(e) Utilization of services of other Government agencies.
(f) Budget program; maintenance of integral set of accounts; audit; credit for certain expenditures.
1538. Rights of airmen under existing law.
1539. Annual and quarterly reports to Congress.
Sec.
1540. Actions on claims for losses; jurisdiction of courts; limitation of actions.
1541. Additional insurance with other underwriters.
1542. Expiration of authority to provide insurance.

SUBCHAPTER I.—GENERAL PROVISIONS

§ 1301. Definitions.

As used in this chapter, 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 chapter 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 chapter.

(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 chapter, 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 chapter.

(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 chapter 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. (Pub. L. 85-726, title I, § 101, Aug. 23, 1958, 72 Stat. 737.)

EFFECTIVE DATE

Section 1505 of Pub. L. 85-726 provided that:

"The provisions of this Act [see Short Title note under this section] shall become effective as follows:

(k), section 303 (a), section 304, and section 1502 [section 1341, section 1342, section 1343 (a), (d), (g), and (i), section 1344 (a), section 1345, and note set out under section 1341 of this title] shall become effective on the date of enactment of this Act [August 23 1958]; 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 [this chapter] qualifies and takes office."

SHORT TITLE

Section 1 of Pub. L. 85-726 provided that Pub. L. 85-726, which enacted this chapter, amended sections 212, 485a, 485b, 1101, 1102, 1103, 1105, 1106, 1111, 1116, 1151, 1152, 1155, 1157, and 1160 of this title, sections 81, 82 and 90 of Title 14, Coast Guard, section 45 of Title 15, Commerce and Trade, section 7a of Title 16, Conservation, section 666 of Title 31, Money and Finance, sections 470 and 488a of Title 39, The Postal Service, section 474 of Title 40, Public Buildings, Property and Works, sections 485, 485c and 485d of Title 48, Territories and Insular Possessions, section 123 of Title 50, War and National Defense, repealed sections 171, 174—177, 179—184, 401—403, 421, 422, 423—427, 451—460, 481—485, 486—496, 521—524, 551—560, 581, 582, 601—603, 621—623, 641—649, 671—681, 701—705, 711—722, and 1211—1215 of this title, section 7 of 1940 Reorg. Plan No. III, section 7 of 1940 Reorg. Plan No. IV, and Reorg. Plan No. 10 of 1953, and enacted notes set out under this section and sections 480, 1321 and 1341 of this title, should be popularly known as the "Federal Aviation Act of 1958".

SEPARABILITY PROVISIONS

Section 1504 of Pub. L. 85-726 provided that: "If any provision of this Act [this chapter] or the application thereof to any person or circumstance is held invalid, the remainder of the Act [this chapter] and the application of such provision to other persons or circumstances shall not be affected thereby."

SAVINGS CLAUSE; EFFECT OF TRANSFERS, REPEALS, AND AMENDMENTS

Section 1501 of Pub. L. 85-726 provided that:

"(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 [see Short Title note under this section], 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.

"(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.

"(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."

REPEAL OF INCONSISTENT LAWS

Section 1401(e) of Pub. L. 85-726 provided that: "All other Acts or parts of Acts inconsistent with any provision of this Act [this chapter] are hereby repealed."

§ 1302. Consideration of matters in public interest by Board.

In the exercise and performance of its powers and duties under this chapter, the Board shall consider

SUBCHAPTER IV.—AIR CARRIER ECONOMIC REGULATION

§ 1371. Certificate of public convenience and necessity.

(a) Essentiality.

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.

(b) Application.

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.

(c) Notice of application; filing of protest or memorandum; hearing.

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 public hearing, and the Board shall dispose of such application as speedily as possible.

(d) Issuance.

(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 chapter 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 chapter and the rules, regulations, and requirements of the Board hereunder.

(e) Terms, conditions, and limitations.

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.

(f) Effective date and duration.

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.

(g) Alteration, amendment, modification, suspension, or revocation.

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 subchapter 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.

(h) Transfer.

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

(i) Rights in the use of airspace, airways, landing areas, or air-navigation facilities.

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

(j) Abandonment of routes.

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.

(k) Compliance with labor legislation.

(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 sections 181—188 of Title 45.

(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 takeoff 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.

(l) Carriage of mail.

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.

(m) Application for new mail service.

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. (Pub. L. 85–726, title IV, § 401, Aug. 23, 1958, 72 Stat. 754.)

Effective Date

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1372. Permits to foreign air carriers.

(a) Necessity.

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.

(b) Issuance.

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 chapter and the rules, regulations, and requirements of the Board hereunder, and that such transportation will be in the public interest.

(c) Application.

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.

(d) Notice of application; filing of protest or memorandum; hearing.

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.

(e) Terms, conditions, and limitations.

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.

(f) Alteration, modification, amendment, suspension, cancellation, or revocation.

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.

(g) Transfer of permit.

No permit may be transferred unless such transfer is approved by the Board as being in the public interest. (Pub. L. 85–726, title IV, § 402, Aug. 23, 1958, 72 Stat. 757.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1373. Tariffs of air carriers.

(a) Filing, posting, and publication; rejection of tariffs.

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.

(b) Observance of tariffs; granting of rebates.

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 chapter 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 air 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.

(c) Notice of change in tariff.

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.

(d) Filing of divisions of rates and charges.

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. (Pub. L. 85–726, title IV, § 403, Aug. 23, 1958, 72 Stat. 758.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1374. Rates for carriage of persons and property; duty to provide service, rates, and divisions; discrimination.

(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.

(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, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever. (Pub. L. 85–726, title IV, § 404, Aug. 23, 1958, 72 Stat. 760.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1375. Transportation of mail.

(a) Postal rules and regulations.

The Postmaster General is authorized to make such rules and regulations, not inconsistent with the provisions of this chapter, 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.

(b) Mail schedules.

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.

(c) Maximum mail load.

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.

(d) Tender of mail.

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.

(e) Foreign postal arrangement.

(1) Nothing in this chapter 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.

(f) Transportation of foreign mail.

(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 prescribe, 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.

(g) Evidence of performance of mail service.

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.

(h) Emergency mail service.

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 chapter. 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.

(i) Experimental airmail service.

Nothing contained in this chapter shall be construed to repeal in whole or in part the provisions of section 470 of Title 39. The transportation of mail under contracts entered into under such section shall not, except for sections 1371(k) and 1386(b) of this title, be deemed to be "air transportation" as used in this chapter, and the rates of compensation for such transportation of mail shall not be fixed under this chapter.

(j) Free travel for postal employees.

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. (Pub. L. 85–726, title IV, § 405, Aug. 23, 1958, 72 Stat. 760.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1376. Rates for transportation of mail.

(a) Authorization to fix rates.

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.

(b) Rate-making elements.

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.

(c) Payments for transportation of mail.

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.

(d) Treatment of proceeds of disposition of certain property.

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 this section 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.

(e) Statements of Postmaster General and carrier.

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.

(f) Weighing of mail.

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 chapter. If the Board shall determine that it is necessary or advisable, in order to carry out the provisions of this chapter, 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.

(g) Availability of appropriations.

Except as otherwise provided in section 1375(h) of this title, 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 chapter, 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 1375(h) of this title, 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 chapter, 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.

(h) Payments to foreign air carriers.

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 subchapter 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. (Pub. L. 85–726, title IV, § 406, Aug. 23, 1958, 72 Stat. 763.)

REFERENCES IN TEXT

The Air Mail Act of 1934, as amended, referred to in subsec. (g), means act Mar. 27, 1934, ch. 100, 48 Stat. 508, which is not classified to this Code.

The act of Mar. 8, 1928, as amended, referred to in subsec. (g), means act Mar. 8, 1928, ch. 149, 45 Stat. 248, which was repealed by act June 23, 1938, ch. 601, § 1107(k), 52 Stat. 1029.

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1377. Accounts, records, and reports.

(a) Filing of reports.

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 chapter.

(b) Disclosure of stock ownership.

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.

(c) Disclosure of stock ownership by officer or director.

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.

(d) Form of accounts, records, and memoranda.

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.

(e) Inspection of accounts and property.

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 chapter, to persons having control over any air carrier, or affiliated with any air carrier within the meaning of section 5(8) of this title. (Pub. L. 85–726, title IV, § 407, Aug. 23, 1958, 72 Stat. 766.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1378. Consolidation, merger, and acquisition of control.

(a) Prohibited acts.

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 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.

(b) Application to Board; hearing; approval.

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 this title, 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.

(c) Interests in ground facilities.

The provisions of this section and section 1379 of this title 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.

(d) Jurisdiction of accounts of noncarriers.

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 chapter, be subject, in the same manner as if such person were an air carrier, to the provisions of this chapter relating to accounts, records, and reports, and the inspection of facilities and records, including the penalties applicable in the case of violations thereof.

(e) Investigation of violations.

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 chapter, as may be necessary, in the opinion of the Board, to prevent further violation of such provision. (Pub. L. 85–726, title IV, § 408, Aug. 23, 1958, 72 Stat. 767.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1379. Prohibited interests; interlocking relationships; profit from transfer of securities.

(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.

(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. (Pub. L. 85–726, title IV, § 409, Aug. 23, 1958, 72 Stat. 768.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1380. Loans and financial aid.

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. (Pub. L. 85–726, title IV, § 410, Aug. 23, 1958, 72 Stat. 769.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1381. Methods of competition.

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. (Pub. L. 85–726, title IV, § 411, Aug. 23, 1958, 72 Stat. 769.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1382. Pooling and other agreements; filing; approval by Board.

(a) Every air carrier shall file with the Board a true copy, or, if oral, a true and complete memorandum, 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.

(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 chapter, 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 chapter; 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. (Pub. L. 85–726, title IV, § 412, Aug. 23, 1958, 72 Stat. 770.)

REFERENCES IN TEXT

The Interstate Commerce Act, as amended, referred to in subsec. (b) is classified to chapters 1, 8, 12, 13 and 19 of this title.

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1383. Form of control.

For the purposes of this subchapter, whenever reference is made to control, it is immaterial whether such control is direct or indirect. (Pub. L. 85–726, title IV, § 413, Aug. 23, 1958, 72 Stat. 770.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1384. Legal restraints.

Any person affected by any order made under sections 1378, 1379, or 1382 of this title shall be, and is hereby, relieved from the operations of the "antitrust laws", as designated in section 12 of Title 15, 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. (Pub. L. 85–726, title IV, § 414, Aug. 23, 1958, 72 Stat. 770.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1385. Inquiry into air carrier management.

For the purpose of exercising and performing its powers and duties under this chapter, 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. (Pub. L. 85–726, title IV, § 415, Aug. 23, 1958, 72 Stat. 770.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

§ 1386. Classification and exemption of carriers.

(a) The Board may from time to time establish such just and reasonable classifications or groups of air carriers for the purposes of this subchapter, 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 subchapter, to be observed by each such class or group, as the Board finds necessary in the public interest.

(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 subchapter 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 subchapter 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 1371 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 subchapter, or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder which provides for maximum flying hours for pilots or copilots. (Pub. L. 85–726, title IV, § 416, Aug. 23, 1958, 72 Stat. 771.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85–726, set out as a note under section 1301 of this title.

SUBCHAPTER V.—NATIONALITY AND OWNERSHIP OF AIRCRAFT

§ 1401. Registration of aircraft nationality.

(a) Necessity; aircraft of national-defense forces; transfer of ownership.

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 1508 of this title) 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 regu-

§ 1430. Violations; exemption of foreign aircraft and airmen.

(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 subchapter;

(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 subchapter; 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 143 of Title 33; 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 subchapter relating to the holder of such certificate.

(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. (Pub. L. 85-726, title VI, § 610, Aug. 23, 1958, 72 Stat. 780.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

SUBCHAPTER VII.—AIRCRAFT ACCIDENT INVESTIGATION

§ 1441. Accidents involving civil aircraft.

(a) General duties of Board.

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.

(b) Employment of temporary personnel.

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.

(c) Conduct of investigations.

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) of this section shall have the same powers as the Board has with respect to hearings or investigations conducted by it.

(d) Preservation of aircraft, engines, propellers, or appliances involved in accidents.

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.

(e) Use of records and reports as evidence.

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.

(f) Investigations by Administrator; report.

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 subchapter.

(g) Participation by Administrator in investigations.

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 subchapter: *Provided*, That the Administrator or his representatives shall not participate in the determination of probable cause by the Board under this subchapter. (Pub. L. 85-726, title VII, § 701, Aug. 23, 1958, 72 Stat. 781.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b), are classified generally to Title 5, Executive Departments and Government Officers and Employees.

The Classification Act of 1949, as amended, referred to in subsec. (b), is classified to chapter 21 of Title 5.

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1442. Accidents involving military aircraft.

(a) Participation in investigations by military authorities.

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) Participation in investigations by Administrator.

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) Furnishing information to Administrator and Board.

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. (Pub. L. 85-726, title VII, § 702, Aug. 23, 1958, 72 Stat. 782.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1443. Special Boards of Inquiry.

(a) Establishment; composition.

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) Qualifications of public members.

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) Authority of Boards.

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 subchapter. (Pub. L. 85-726, title VII, § 703, Aug. 23, 1958, 72 Stat. 782.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

SUBCHAPTER VIII.—OTHER ADMINISTRATIVE AGENCIES

§ 1461. The President of the United States.

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 1372 of this title, 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. (Pub. L. 85-726, title VIII, § 801, Aug. 23, 1958, 72 Stat. 782.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1462. The Department of State.

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. (Pub. L. 85-726, title VIII, § 802, Aug. 23, 1958, 72 Stat. 783.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1463. Weather Bureau.

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 publication would be contrary to the public interest. (Pub. L. 85-726, title VIII, § 803, Aug. 23, 1958, 72 Stat. 783.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

SUBCHAPTER IX.—PENALTIES

§ 1471. Civil penalties; compromise; liens.

(a) (1) Any person who violates (A) any provision of subchapter III, V, VI, VII, or XII of this chapter, or any rule, regulation, or order issued thereunder, or (B) any rule or regulation issued by the Postmaster General under this chapter, 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 subchapters III, V, VI, or XII of this chapter, or any rule, regulation, or order issued thereunder, and by the Board in the case of violations of subchapter VII of this chapter, 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.

(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. (Pub. L. 85-726, title IX, § 901, Aug. 23, 1958, 72 Stat. 783.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1472. Criminal penalties.

(a) Generally.

Any person who knowingly and willfully violates any provisions of this chapter (except subchapters III, V, VI, VII, and XII of this chapter), or any order, rule, or regulation issued under any such provision or any term, condition, or limitation of any certificate or permit issued under subchapter IV of this chapter, 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.

(b) Forgery of certificates and false marking of aircraft.

Any person who knowingly and willfully forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this chapter, 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.

(c) Interference with air navigation.

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 chapter, 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.

(d) Offering, granting, or giving rebates or concessions.

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 chapter, 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 chapter 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.

(e) Failure to file reports; falsification of records.

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 chapter, 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.

(f) Divulging information; information to Congressional committees.

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 1504 of this title, 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: *Provided*, That nothing in this section shall authorize the withholding of information by the Administrator or Board from the duly authorized committees of the Congress.

(g) Refusal to testify.

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 subpena 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.

(h) Transportation of explosives and other dangerous articles.

(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 subchapter VI of this chapter, 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.

(2) In the exercise of his authority under subchapter VI of this chapter, 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 chapter be deemed to be a regulation of the Administrator prescribed under subchapter VI of this chapter. (Pub. L. 85-726, title IX, § 902, Aug. 23, 1958, 72 Stat. 784.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1473. Venue and prosecution of offenses; procedure in respect of civil penalties.

(a) The trial of any offense under this chapter 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 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.

(b) (1) Any civil penalty imposed under this chapter 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 reg-

ulation 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. (Pub. L. 85-726, title IX, § 903, Aug. 23, 1958, 72 Stat. 786.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505 (2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1474. Violations of section 1509 of this title.

(a) Any person who (1) violates any entry or clearance regulation made under section 1509(c) of this title, 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 1509(b) of this title, 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 1509(d) of this title 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. (Pub. L. 85-726, title IX, § 904, Aug. 23, 1958, 72 Stat. 787.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

SUBCHAPTER X.—PROCEDURE

§ 1481. Conduct of proceedings.

The Board and the Administrator, subject to the provisions of this chapter 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 subchapter III of this chapter, and in any proceeding conducted by the Administrator under subchapter VI of this chapter 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 opened

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. (Pub. L. 85-726, title X, § 1001, Aug. 23, 1958, 72 Stat. 788.)

REFERENCES IN TEXT

The Administrative Procedure Act, referred to in the text, is classified to chapter 19 of Title 5, Executive Departments and Government Officers and Employees.

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1482. Complaints to and investigations by the Administrator and the Board.

(a) Filing of complaints; complaints against members of the Armed Forces.

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 chapter, 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.

(b) Investigations on initiative of Administrator or Board.

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 chapter, or concerning which any question may arise under any of the provisions of this chapter, or relating to the enforcement of any of the provisions of this chapter. 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.

(c) Entry of orders for compliance with chapter.

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 chapter or any requirement established pursuant thereto, the Administrator or the Board shall issue an appropriate order to compel such person to comply therewith.

(d) Power to prescribe rates and practices of air carriers.

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.

(e) Rule of rate making.

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.

(f) Removal of discrimination in foreign air transportation.

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 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.

(g) Suspension of rates.

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 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.

(h) Power to prescribe divisions of rates.

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.

(i) Power to establish through air transportation service.

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. (Pub. L. 85-726, title X, § 1002, Aug. 23, 1958, 72 Stat. 788.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1483. Joint Boards.

(a) Designation.

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.

(b) Through service and joint rates.

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.

(c) Jurisdiction of Boards.

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) of this section. 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.

(d) Power of Boards.

With respect to matters referred to any joint board as provided in subsection (c) of this section, 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.

(e) Judicial enforcement and review of orders.

Orders of the joint boards shall be enforceable and reviewable as provided in this chapter with respect to orders of the Board. (Pub. L. 85-726, title X, § 1003, Aug. 23, 1958, 72 Stat. 791.)

REFERENCES IN TEXT

The Interstate Commerce Act, referred to in subsec. (b), is classified to chapters 1, 8, 12, 13 and 19 of this title.

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1484. Evidence.

(a) Power to take evidence.

Any member or examiner of the Board, when duly designated by the Board for such purpose, may hold hearings, sign and issue subpenas, 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.

(b) Issuance of subpenas; witness fees.

For the purposes of this chapter the Board shall have the power to require by subpena 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.

(c) Enforcement of subpenas.

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 subpena, 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.

(d) Contempt.

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 subpena 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.

(e) Depositions.

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.

(f) Method of taking depositions.

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.

(g) Foreign depositions.

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.

(h) Fees in connection with depositions.

Witnesses whose depositions are taken as authorized in this chapter, 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.

(i) Compelling testimony.

No person shall be excused from attending and testifying, or from producing books, papers, or documents before the Board, or in obedience to the sub-

pena of the Board, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, 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. (Pub. L. 85-726, title X, § 1004, Aug. 23, 1958, 72 Stat. 792.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1485. Orders, notices, and service.

(a) Effective date of orders; emergency orders.

Except as otherwise provided in this chapter, 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, whether 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 chapter.

(b) Designation of agent for service.

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.

(c) Manner of service.

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 mail addressed to such person or agent. Whenever service is made by registered mail, the date of mailing shall be considered as the time when service is made.

(d) Suspension or modification of orders.

Except as otherwise provided in this chapter, 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.

(e) Compliance with orders.

It shall be the duty of every person subject to this chapter, 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 chapter affecting such person so long as the same shall remain in effect.

(f) Findings of fact; service of orders.

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. (Pub. L. 85-726, title X, § 1005, Aug. 23, 1958, 72 Stat. 794.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1486. Judicial review.

(a) Orders subject to review; petition for review.

Any order, affirmative or negative, issued by the Board or Administrator under this chapter, except any order in respect of any foreign air carrier subject to the approval of the President as provided in section 1461 of this title, 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.

(b) Venue.

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.

(c) Notice to Board or Administrator; filing of transcript.

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.

(d) Power of court.

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.

(e) Conclusiveness of findings of fact; objections.

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.

(f) Review by Supreme Court.

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. (Pub. L. 85-726, title X, § 1006, Aug. 23, 1958, 72 Stat. 795.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

NOTICE TO BOARD OR ADMINISTRATOR; FILING OF RECORD

Section 1006(c) of act June 23, 1938, ch. 601, title X, 52 Stat. 1024, was amended by Pub. L. 85-791, § 18, Aug. 28, 1958, 72 Stat. 947, to read as follows: "(c) A copy of the petition shall, upon filing, be forthwith transmitted to the Board by the clerk of the court; and the Board shall thereupon file in the court the record, if any, upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

§ 1487. Judicial enforcement; jurisdiction; application; costs.

(a) If any person violates any provision of this chapter, or any rule, regulation, requirement, or order thereunder, or any term, condition, or limitation of any certificate or permit issued under this chapter, the Board or Administrator, as the case may be, their duly authorized agents, or, in the case of a violation of section 1371(a) of this title, 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 chapter, 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 chapter or of such rule, regulation, requirement, order, term, condition, or limitation, and requiring their obedience thereto.

(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 chapter 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. (Pub. L. 85-726, title X, § 1007, Aug. 23, 1958, 72 Stat. 796.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1488. Participation by Board or Administrator in court proceedings.

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 chapter. (Pub. L. 85-726, title X, § 1008, Aug. 23, 1958, 72 Stat. 796.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1489. Joinder of parties; intervention.

In any proceeding for the enforcement of the provisions of this chapter, 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. (Pub. L. 85-726, title X, § 1009, Aug. 23, 1958, 72 Stat. 796.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1507. Public use of facilities; emergency sale of equipment, supplies and services.

(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. (Pub. L. 85-726, title XI, § 1107, Aug. 23, 1958, 72 Stat. 798.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1508. Declaration of national sovereignty in air space; operation of foreign aircraft.

(a) The United States of America is 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 shall be deemed to limit, modify, or amend section 1372 of this title, but any foreign air carrier holding a permit under said section shall not be required to obtain additional authorization under this subsection with respect to any operation authorized by said permit. (Pub. L. 85-726, title XI, § 1108, Aug. 23, 1958, 72 Stat. 798.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1509. Application of existing laws relating to foreign commerce.

(a) Navigation and shipping.

Except as specifically provided in sections 143—147d of Title 33, 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) Ports of entry for civil aircraft.

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) Entry and clearance of vessels.

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) Animal and plant quarantine.

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. (Pub. L. 85-726, title XI, § 1109, Aug. 23, 1958, 72 Stat. 799.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1510. Geographical extension of jurisdiction.

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 chapter 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. (Pub. L. 85-726, title XI, § 1110, Aug. 23, 1958, 72 Stat. 800.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

SUBCHAPTER XII.—SECURITY PROVISIONS

§ 1521. Declaration of purpose.

The purpose of this subchapter 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. (Pub. L. 85-726, title XII, § 1201, Aug. 23, 1958, 72 Stat. 800.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1522. Security control of air traffic.

In the exercise of his authority under section 1348(a) of this title, 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. (Pub. L. 85-726, title XII, § 1202, Aug. 23, 1958, 72 Stat. 800.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1523. Penalties.

In addition to the penalties otherwise provided for by this chapter, any person who knowingly or willfully violates any provision of this subchapter, 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. (Pub. L. 85-726, title XII, § 1203, Aug. 23, 1958, 72 Stat. 800.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

SUBCHAPTER XIII.—WAR RISK INSURANCE

§ 1531. Definitions.

As used in this subchapter—

(a) The term "American aircraft" means "civil aircraft of the United States" as defined in section 1301(15) of this title, 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.

(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.

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

(d) The terms "insurance company" and "insurance carrier" in sections 1535 (a) and (b) and 1537(d) of this title 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. (Pub. L. 85-726, title XIII, § 1301, Aug. 23, 1958, 72 Stat. 800.)

EFFECTIVE DATE

Section as effective on the 60th day following the date on which the Administrator of the Federal Aviation Agency first appointed under this chapter qualifies and takes office, see section 1505(2) of Pub. L. 85-726, set out as a note under section 1301 of this title.

§ 1532. Authority to provide insurance; consideration of risk.

(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

1/

日航の沖縄島内運航に関する件
[illegible]

秘
無期限

北米局
法規課長 [illegible]
国際協定課長 [illegible]
参事官
北米課長

日航の沖縄島内運航と日航機による
日章旗掲揚使用の問題

米 北

1. 現在、日本航空は、沖縄島内航空業務について
那覇空港ターミナル株式会社（NATCO）と業務提携
（チャーター方式 ないし 合弁会社方式）すべく 話合を進め
USCARに対し、申請を行っているが、これが実現
した場合には、日本航空より JALの航空機が
NATCOとしては新合弁会社に貸与（チャーター）される
ことになる。

GA-6 外務省

1

2

2. 現在、日本航空の機体には（資料パンフレット
等による）、垂直尾翼に日章旗のマークが、かつ
左側主翼に「日の丸」が付されているので、これが
沖縄における日章旗の取扱いと関連して、どの
様に取扱われるかを検討したところ、~~この問題~~
次のとおり。
~~となれば、次の理由により、機体には何の手も
加えず、そのままの状態で、沖縄での運航に
供し得ると考えられる。~~
(1) 航空機の国籍は、一定の記号（日本の
国籍を有する場合は、「JA」xxxx（数字）という記号）
で表示されており、国旗は国籍表示の要件
ではない。即ち、国際民間航空条約
（第17条～第21条）により、航空機は登録した
国の国籍を有すること、二重登録はできない

GA-6 外務省

こと、その登録は その国の法令に従って行われる

こと、及び 国際航空に従事するすべての航空機は その適正な国籍及び登録の記号を掲げる

ことになっており、同条約に準拠して定められた わが国航空法及び同規則では、航空の用

に供される航空機には 国籍（「JA」）及び 登録記号（数字）を機体の所定の場所に

耐久性ある方法で表示すべきことを定めている。

なお、日航の航空機が 沖縄の会社

（NATCO）により チャーターされても 同機の登録は 日本で行なわれているので 日本の国籍

に属することは 云うまでもない。

（2）航空機については、船舶と異なり 国際法

上も 国内法上も、国旗掲揚に関する規定は

（注）NATCOその他会社が使用する航空機のデザインについて いかなるものを採用するかは 当会社の決定事項であり、同会社が日航のデザインを考慮して 日航機のデザインを採用した場合 わが国民航が 之に対し 何らかの規制をなすか なすべき措置をとれば わが方より かかる規制は不当であると主張しうると考えられる。

ない。従って 日航の機体に画かれている

日章旗は 一つのデザインにすぎないと考えられる。

因みに 外国の航空機（例えば PAA）には

必ずしも国旗が機体に画かれてはおらず また

わが国 国内法令上 日章旗をデザインとして

使用することに関する規制はなく、国旗の尊厳

を害なわない限り 問題ないと考えられる。

（傍線）

（3）更に 本邦要人等（例えば 総理、外務大臣

等）が 沖縄訪問の際に 当該航空機を利用

する時 及び 新たに 定期運航を開始する際の

ヤノ便就航時 等において 当該航空機が

日章旗を掲揚する（パイロット席の窓の両外側に 旗竿を 特設）必要の生ずることも考えるが この場合でも

当該航空機は 上記の如く 日本の航空機で

あるので、一般国際法の範囲でならば、政府、官署
その所有者の国籍 すなわち
の旨を表する意味で日章旗を掲げることは問題なく
また、かりに同機が何等かの形で日航、

NATCO合弁会社等の航空機と観念される
ことがあっても、現在沖縄における日章旗
掲揚規制の布令（別添参照）によれば、
私的所有物には無許可で随時日章旗を
掲げ得ると考えられるので、民間企業たるから
合弁会社等は自由に日章旗を使用しうると
考えられる。

〔第三百三〕

三、何人ヲ問ハス、本条ノ罪ニ関シ、外国ノ官吏ヲ教唆シ、又ハ幇助シタル者ハ、前項ノ例ニ従フ。

〔第三百三十一〕

一、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シタル者ハ、三年以下ノ懲役又ハ三万円以下ノ罰金ニ処ス。

二、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為サシメ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

三、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

四、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

五、何人ヲ問ハス、本条ノ罪ニ関シ、外国ノ官吏ヲ教唆シ、又ハ幇助シタル者ハ、前項ノ例ニ従フ。

六、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

七、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

〔第三百三十二〕

一、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

二、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

三、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

四、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

五、何人ヲ問ハス、本条ノ罪ニ関シ、外国ノ官吏ヲ教唆シ、又ハ幇助シタル者ハ、前項ノ例ニ従フ。

六、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

七、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

〔第三百三十三〕

一、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

二、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

三、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

四、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

五、何人ヲ問ハス、本条ノ罪ニ関シ、外国ノ官吏ヲ教唆シ、又ハ幇助シタル者ハ、前項ノ例ニ従フ。

六、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

七、何人ヲ問ハス、外国ノ官吏ニ対シ、その職務に関し、賄賂を供与し、又ハ供与ノ申込ミ、又ハ約束ヲ為シ、又ハ第三者ニ供与ノ申込ミ、又ハ約束ヲ為サシメタル者ハ、前項ノ例ニ従フ。

北米局長
参事官
北米課長

受信: 昭42.3.23 18:16

（電　報）　至急.

北米局長殿.

（発信人）
南連所長.

071 往信第419号に関し.
米国民政府は. 22日（琉球における航空運輸）と題する布令第62号を公布した。
本布令は. 冒頭往信をもって通報済の改正米国大統領行政命令に基づくものである。
テキスト及び新聞発表文. 後送。
以上.

北米局
42.3.23
北米課

GA-6　　外務省

電報

送信通過番号

着信番号 0830

第一行目の記載順序は次のとおりです。
局用記事・第一行（種類）・字数・発信局・発信番号・（受付日）・受付時刻

送信 時 分

送信者

氏名者

受信 三月三日

18

ウケトリマシタラ ハヤクトドケマス

ヨロシクオネガイ ウエノ

ヒロシ

電話番号

対話者

殿

ヒロシ

この電報について疑問の点があります。局へお問い合わせください。

42.3.23

電信第33号 ㄨ

日本電信電話公社

電報

送信通過番号

着信番号

第一行目の記載順序は次のとおりです。
局用記事・第一行（種類）・字数・発信局・発信番号・（受付日）・受付時刻

送信 時 分

送信者

氏名者

受信

ウケトリマシタ ムスメトトモニ ムカエニ ユキマス

ヒロシ

電話番号

対話者

殿

この電報について疑問の点があります。局へお問い合わせください。

電信第33号 ㄨ

日本電信電話公社