



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 14th day of May, 2019

In re:

**SUSPENSION OF AIR SERVICE TO AND
FROM VENEZUELA**

under 49 U.S.C. § 44907(e)

Docket DOT-OST-2019-0072

ORDER

Under 49 U.S.C. § 44907(e), if it is determined that “(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from [a foreign] airport; and (2) the public interest requires an immediate suspension of transportation between the United States and that airport,” the rights of U.S. air carriers and foreign air carriers to provide such foreign transportation shall be suspended.¹

The Acting Secretary of Homeland Security has submitted a letter to the Department detailing his findings regarding the security situation in Venezuela. The Department of Homeland Security (DHS) has concluded that “conditions in Venezuela threaten the safety and security of passengers, aircraft, and crew traveling to or from that country, and that the public interest requires an immediate suspension of all commercial passenger and cargo flights between the United States and Venezuela.”² Acting Secretary McAleenan has based his conclusion on a number of factors including:

(1) reports of civil unrest and violence in and around the airports; (2) the inability of TSA to gain access to Venezuelan airports to conduct required security assessments to ensure that adequate security measures are in place; (3) the current economic and political crisis in Venezuela; (4) cancellation of flights to the country by American Airlines, the largest air carrier providing service, and two other carriers; (5) the U.S. Department of State’s publication of Do Not Travel advisories,

¹ Although the text of section 44907 provides that the “Secretary of Transportation” shall conduct foreign airport security assessments, Congress subsequently vested all “functions” of its subordinate officers, employees, and organizational units—including all functions of the Transportation Security Administration—in the Secretary of Homeland Security. 6 U.S.C. § 112(b)(1); *see also* 49 U.S.C. § 114(a) (“The Transportation Security Administration shall be an administration of the Department of Homeland Security.”). Accordingly, the Department of Homeland Security is now responsible for the security findings in 44907(e), but the Department of Transportation maintains sole regulatory authority over U.S. air carrier certificates and foreign air carrier permits.

² Letter of DHS Secretary to DOT Secretary dated May 13, 2019.

suspension of Embassy operations, and recommendation that Transportation Security Administration (TSA) inspectors not enter the country owing to safety concerns; (6) the Federal Aviation Administration's issuance of a Notice to Airmen (NOTAM) on May 1, 2019, which prohibits all flight operations by U.S. air carriers and commercial operators in Venezuela airspace below FL 260; and (7) the risk of Maduro regime actions against Americans and American interests located in Venezuela.³

Based on these findings regarding current conditions in Venezuela by DHS, I agree that the public interest requires an immediate suspension of foreign air transportation between the United States and Venezuelan airports. Therefore, pursuant to section 44907(e), I am suspending the authority of all U.S. air carriers and foreign air carriers to provide foreign air transportation to or from Venezuelan airports. Specifically, I am adding a condition to all U.S. air carrier certificates and exemptions, as well as all foreign air carrier permits and exemptions, so as to preclude these U.S. air carriers and foreign air carriers from operating to or from Venezuelan airports.

Section 44907(e) requires the approval of the Secretary of State. We have received the required approval.

ACCORDINGLY:

1. I amend all U.S. air carrier certificates issued under section 49 U.S.C. § 41102 and all exemptions from section 41102 to add the following condition:
Effective immediately, and until further order of the Department, the holder shall not engage in foreign air transportation of passengers or cargo to or from any airport in Venezuela.
2. I amend all foreign air carrier permits issued under 49 U.S.C. § 41302 and all exemptions from section 41302 to add the following condition:
Effective immediately, and until further order of the Department, the holder shall not engage in foreign air transportation of passengers or cargo to or from any airport in Venezuela.
3. Unless disapproved by the President of the United States under 49 U.S.C. § 41307, this order shall become effective on the 61st day after its submission for section 41307 review or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier;⁴ and

³ *Id.*

⁴ This order was submitted for review under 49 USC § 41307 on May 14, 2019. On May 15, 2019, we received notification that the President's designee, under Executive Order 12597 and implementing regulations, did not intend to disapprove the Department's Order.

4. We will serve a copy of this order on all U.S. air carriers holding certificates of public convenience and necessity, all foreign air carriers holding permits, the Embassy of Venezuela in Washington, D.C., and the U.S. Department of State.

By:

ELAINE L. CHAO
Secretary of Transportation

(SEAL)

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