



Order 2021-8-11

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

Issued by the Department of Transportation
on the 20th day of August, 2021

Served: August 20, 2021

In the matter of

**FLIGHT OPERATIONS BY FOREIGN CIVIL
AIRCRAFT OPERATORS IN SUPPORT OF
CERTAIN AFGHANISTAN EMERGENCY
EVACUATION OPERATIONS
(AUGUST 20, 2021-SEPTEMBER 30, 2021)**

Docket DOT-OST-2021-0097

authority to conduct commercial air operations to the
United States under 14 CFR Part 375

ORDER

Summary

By this order we are granting operators of foreign civil aircraft a blanket foreign aircraft permit under 14 CFR Part 375 to the extent necessary and subject to certain conditions, to permit them to conduct certain commercial air operations to the United States in support of the evacuation of certain passenger traffic from Afghanistan.

Discussion

In support of the ongoing Noncombatant Evacuation Operation in Afghanistan, and in coordination with U.S. Department of State (DOS), the Department of Defense (DoD) has requested that the Department of Transportation (DOT) grant expedited blanket approval to authorize foreign-flagged commercial carriers to transport evacuees to the United States. The evacuees are a combination of American citizens, personnel in the Afghan Special Interest Visa (SIV) program, and other passengers who have undergone biometric screening.

While many foreign air carriers already hold economic authority from the Department under 49 U.S.C. 41301 or 40109 to conduct operations of this nature to the United States, some of these

evacuation operations may need to involve foreign airlines that do not hold DOT authority.¹ Therefore, in order to best facilitate Afghanistan evacuation efforts, we have decided to grant the request of DOS and DoD. Specifically, we grant those foreign airlines that do not already hold the requisite Department authority, a blanket foreign aircraft permit under 14 CFR §375.40 of our regulations, to permit them to conduct these services.²

In taking this action, we will require that this authority to operate to the United States be exercised by foreign civil aircraft operators only for U.S. Government (USG)-sponsored flights transporting Afghanistan evacuees. The authority will not allow any foreign airline involved to transport commercial traffic wholly between U.S. points (i.e., cabotage traffic). We will make this authority effective immediately, through September 30, 2021, to allow sufficient time for the authorized airlines to complete evacuation efforts.

Finally, we will make this blanket authority subject to compliance with (1) all applicable requirements of 14 CFR Part 375; (2) all applicable requirements of the Federal Aviation Administration (including those contained in the Federal Aviation Regulations and all applicable orders of the FAA); and (3) all applicable ICAO standards set forth in the following Annexes: Annex 1, Personnel Licensing; Annex 6 part 1, Operations of Aircraft; and Annex 8, Airworthiness of Aircraft. For further information on FAA requirements, the operator should contact the FAA's Flight Standards Service in Washington, D.C. at (202) 267-0962. In addition, operators must comply with all applicable requirements concerning security as determined by the Transportation Security Administration, as well as the relevant regulatory requirements of any other USG agencies.

We find that our action (1) is consistent with Department policy; (2) is consistent with the public interest; and (3) will not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975.

ACCORDINGLY,

1. We grant a blanket foreign aircraft permit under 14 CFR Part 375 to all operators of foreign civil aircraft to permit them to conduct U.S. Government (USG)-sponsored flights transporting Afghanistan evacuees to the United States during the period August 20, 2021, through September 30, 2021;
2. Our action is subject to the condition that each affected operator conducting operations under this authority comply with (1) all applicable requirements of 14 CFR Part 375; (2) all applicable requirements of the Federal Aviation Administration (including those contained in the Federal

¹ For example, the USG has contracted Gulf Air, a foreign civil aircraft operator of Bahrain, to conduct a series of flights transporting Afghanistan evacuees from Bahrain to the United States over the course of the next 30 days. The Department has orally approved the Gulf Air operation under 14 CFR 375.40, and we affirm that approval here.

² As noted, the authority conferred by this Order is not needed by foreign air carriers holding foreign air carrier permits and/or exemptions under 49 U.S.C. 41301 and 40109 to the extent these existing licenses otherwise authorize the relevant transportation. Nor is this authority needed for operations provided without charge by a foreign airline, as such operations are authorized by regulation under 14 CFR §375.30. Finally, this authority is not needed for operations conducted using aircraft of the armed forces of a foreign nation and authorized by the Department of State under 49 U.S.C. 40103(d).

Aviation Regulations and all applicable orders of the FAA); and (3) all applicable ICAO standards set forth in the following Annexes: Annex 1, Personnel Licensing; Annex 6 part 1, Operations of Aircraft; and Annex 8, Airworthiness of Aircraft. In addition, operators must comply with all applicable requirements concerning security as determined by the Transportation Security Administration, as well as the relevant regulatory requirements of any other USG agencies;

3. This authority is effective immediately;
4. This authority is subject to revocation, amendment or modification, at our discretion and without hearing, should such action be necessary in the public interest;
5. Our action does not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975; and
6. We will serve a copy of this order on the Department of Homeland Security; the Federal Aviation Administration; the Department of Defense; and the Department of State.

This action was effective when taken, and the filing of a petition will not alter such effectiveness.

By:

CAROL A. (ANNIE) PETSONK
Deputy Assistant Secretary
for Aviation and International Affairs

(SEAL)

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