

**U.S. AIR TRANSPORTATION  
RESTRICTIONS AND SANCTIONS**

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Over the years, the United States has imposed numerous travel and transportation-related restrictions. These restrictions often vary in scope, depending upon the political circumstances, the legal basis for the restrictions, and the U.S. governmental agency administering and enforcing the restrictions.

The Office of Foreign Assets Control is the office within the U.S. Department of the Treasury (“OFAC”) that administers and enforces economic and trade sanctions (including travel and transportation restrictions) against targeted countries and persons. Several other U.S. government agencies also have authority to restrict transportation services. In some cases, OFAC may be the only Federal agency imposing sanctions against a particular country. In other cases, the U.S. Department of Transportation (“DOT”) and/or the Federal Aviation Administration (“FAA”) may prohibit transportation services with respect to that same or any other country. These other agencies do not necessarily coordinate with OFAC. If any government agency prohibits travel, travel services, and/or transportation services, air carriers and other companies (collectively “carriers”) cannot engage in any related transactions – even if another government agency may not impose similar restrictions. Therefore, before carriers provide any services to a sanctioned country, they must review carefully the various U.S. regulations and orders applying to that country.

By way of background, OFAC acts under presidential wartime and national emergency powers to restrict transactions and freeze assets under U.S. jurisdiction. Some OFAC sanctions programs are based upon United Nations and other international mandates, while others address U.S. foreign policy concerns only. These programs can have two different components: (a) a program may require that U.S. persons block accounts and other property of entities and individuals on the Specially Designated National List (the “SDN List”) and/or (b) a program may require that U.S. persons prohibit or reject trade and financial transactions with certain countries and SDNs. Depending upon the authority under which OFAC has implemented the sanctions, country-based programs may restrict travel, travel services, and/or transportation services.<sup>1</sup>

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<sup>1</sup> Historically, OFAC has applied sanctions against countries and their nationals. In the last few years, OFAC has targeted governments or other persons for acting in a manner inconsistent with U.S. foreign policy. OFAC has restricted commercial transactions of terrorists, international narcotics traffickers, proliferators of weapons of mass destruction, and diamond traders. It also has sanctioned groups or individuals who have contributed to conflicts in or undermined democratic process in the Balkans, Belarus, Congo, Cote d’Ivoire, Lebanon, Liberia, and Zimbabwe or who have threatened the peace, security or stability of Somalia. OFAC categorizes these as either “non-comprehensive country based programs” or “list based programs.”



OFAC currently has separate regulations that restrict (in whole or in part) travel and transportation to Cuba, Iran, the Sudan, and Syria. OFAC also has imposed sanctions against Burma (Myanmar), which prohibit certain commercial financial transactions with that country. In addition, while OFAC's long-standing sanctions program relating to North Korea has been terminated, OFAC will be issuing new regulations to continue certain sanctions against North Korea. OFAC also continues to maintain some restrictions on transactions with Iraq. Differences, in some cases substantial differences, exist between the OFAC regulations governing each of these countries.

In addition to reviewing the OFAC regulations, carriers must consider the FAA's special rules. Over the years, the FAA has published various special rules that generally prohibit air carriers from flying over certain countries and/or from flying over or landing in the United States if they stopped in these countries. FAA currently has special rules prohibiting operations with respect to Ethiopia, Iraq, North Korea, Somalia, and Syria.

Carriers also must review DOT orders, which may restrict air carriers' authority to operate between the United States and certain countries. DOT currently restricts, in whole or in part, the provision of air transportation to and from Cuba, Lebanon, North Korea, and the Sudan. DOT also restricts transportation services to the United States by Syrian air carriers. In addition, DOT applies the FAA restrictions on Ethiopia, Iraq, North Korea, and Somalia to foreign carriers' codeshare operations to those destinations.

A fourth regulatory area concerns exports (and reexports) to sanctioned countries. In some cases, OFAC shares with the Department of Commerce ("DOC") the responsibility for regulating the exportation and reexportation of U.S. goods and technology to sanctioned countries. DOC, in other cases, may have sole responsibility for regulating exports and reexports. Air carriers must verify that DOC's regulations permit aircraft to operate on temporary sojourn to the sanctioned country.

Before carriers consider services to any sanctioned country, they must consult the applicable regulations and orders. For more details about a particular country, please contact Zuckert, Scoutt & Rasenberger, L.L.P.

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**SUMMARY OF AIR TRANSPORTATION RESTRICTIONS**

<b>Country</b>	<b>FAA</b>	<b>DOT</b>	<b>OFAC</b>	<b>DOC AVS License Exception</b>
Burma			31 C.F.R. Part 537	*
Cuba		DOT Order T-1	31 C.F.R. Part 515	*
Ethiopia	SFAR 87	DOT Order 95-2-34		*
Iran			31 C.F.R. Part 560	NOT AVAILABLE
Iraq	SFAR 77	DOT Order 95-2-34	31 C.F.R. Part 575	*
Lebanon		DOT Order 98-6-25, P.D. 98-32		*
North Korea	SFAR 79	DOT Order 95-2-34, DOT Order T-1	Executive Order 13466	*
Somalia	SFAR 107	DOT Order 95-2-34	31 C.F.R. Part 551	*
Sudan		DOT Order 98-2-5	31 C.F.R. Part 538	*
Syria	SFAR 104	DOT Order 86-12-48	31 C.F.R. Parts 542 and 596	NOT AVAILABLE US-Syria

\* Available only if all conditions are satisfied.