

Chapter AMENDMENTS Sec.

2012—Pub. L. 112-95, title IV, § 415(d), Feb. 14, 2012, 126 Stat. 96, added item for chapter 423.

2001—Pub. L. 107-71, title I, § 118(c)(2), Nov. 19, 2001, 115 Stat. 628, added item for chapter 483.

1997—Pub. L. 105-102, § 2(20), Nov. 20, 1997, 111 Stat. 2205, substituted “PUBLIC AIRPORTS” for “RESERVED” in item for part D and added item for chapter 491.

1996—Pub. L. 104-287, § 5(64), Oct. 11, 1996, 110 Stat. 3395, substituted “RESERVED” for “MISCELLANEOUS” in item for part D, struck out item for chapter 491 “Buy-American Preferences”, and added items for part E and chapter 501.

Pub. L. 104-264, title II, § 277(b), Oct. 9, 1996, 110 Stat. 3248, added item for chapter 482.

Pub. L. 104-264, title II, § 254, title IV, §§ 401(b)(2), 402(b), Oct. 9, 1996, 110 Stat. 3238, 3255, 3256, inserted “safety of” before “air commerce” in item 40104 and added item 40121 “Air traffic control modernization reviews” and items 40122 and 40123.

**§ 40101. Policy**

(a) ECONOMIC REGULATION.—In carrying out subpart II of this part and those provisions of subpart IV applicable in carrying out subpart II, the Secretary of Transportation shall consider the following matters, among others, as being in the public interest and consistent with public convenience and necessity:

(1) assigning and maintaining safety as the highest priority in air commerce.

(2) before authorizing new air transportation services, evaluating the safety implications of those services.

(3) preventing deterioration in established safety procedures, recognizing the clear intent, encouragement, and dedication of Congress to further the highest degree of safety in air transportation and air commerce, and to maintain the safety vigilance that has evolved in air transportation and air commerce and has come to be expected by the traveling and shipping public.

(4) the availability of a variety of adequate, economic, efficient, and low-priced services without unreasonable discrimination or unfair or deceptive practices.

(5) coordinating transportation by, and improving relations among, air carriers, and encouraging fair wages and working conditions.

(6) placing maximum reliance on competitive market forces and on actual and potential competition—

(A) to provide the needed air transportation system; and

(B) to encourage efficient and well-managed air carriers to earn adequate profits and attract capital, considering any material differences between interstate air transportation and foreign air transportation.

(7) developing and maintaining a sound regulatory system that is responsive to the needs of the public and in which decisions are reached promptly to make it easier to adapt the air transportation system to the present and future needs of—

(A) the commerce of the United States;

(B) the United States Postal Service; and

(C) the national defense.

(8) encouraging air transportation at major urban areas through secondary or satellite airports if consistent with regional airport plans of regional and local authorities, and if endorsed by appropriate State authorities—

(A) encouraging the transportation by air carriers that provide, in a specific market, transportation exclusively at those airports; and

(B) fostering an environment that allows those carriers to establish themselves and develop secondary or satellite airport services.

(9) preventing unfair, deceptive, predatory, or anticompetitive practices in air transportation.

**PART A—AIR COMMERCE AND SAFETY**

**SUBPART I—GENERAL**

**CHAPTER 401—GENERAL PROVISIONS**

Sec.

40101. Policy.

40102. Definitions.

40103. Sovereignty and use of airspace.

40104. Promotion of civil aeronautics and safety of air commerce.

40105. International negotiations, agreements, and obligations.

40106. Emergency powers.

40107. Presidential transfers.

40108. Training schools.

40109. Authority to exempt.

40110. General procurement authority.

40111. Multiyear procurement contracts for services and related items.

40112. Multiyear procurement contracts for property.

40113. Administrative.

40114. Reports and records.

40115. Withholding information.

40116. State taxation.

40117. Passenger facility charges.

40118. Government-financed air transportation.

40119. Security and research and development activities.

40120. Relationship to other laws.

40121. Air traffic control modernization reviews.

40122. Federal Aviation Administration personnel management system.

40123. Protection of voluntarily submitted information.

40124. Interstate agreements for airport facilities.

40125. Qualifications for public aircraft status.

40126. Severable services contracts for periods crossing fiscal years.

40127. Prohibitions on discrimination.

40128. Overflights of national parks.

40129. Collaborative decisionmaking pilot program.

40130. FAA authority to conduct criminal history record checks.

**AMENDMENTS**

2012—Pub. L. 112-95, title I, § 111(c)(3), title VIII, § 802(b), Feb. 14, 2012, 126 Stat. 18, 119, substituted “Passenger facility charges” for “Passenger facility fees” in item 40117 and added item 40130.

2003—Pub. L. 108-176, title IV, § 423(b), Dec. 12, 2003, 117 Stat. 2554, added item 40129.

2000—Pub. L. 106-181, title VII, §§ 702(b)(2), 705(b), 706(b), title VIII, § 803(b), Apr. 5, 2000, 114 Stat. 156-158, 192, added items 40125 to 40128.

1997—Pub. L. 105-102, § 3(d)(1)(B), Nov. 20, 1997, 111 Stat. 2215, amended Pub. L. 104-287, § 5(69)(B). See 1996 Amendment note below.

1996—Pub. L. 104-287, § 5(69)(B), Oct. 11, 1996, 110 Stat. 3396, as amended by Pub. L. 105-102, § 3(d)(1)(B), Nov. 20, 1997, 111 Stat. 2215, added item 40124.