

clause (1), the words “for use in carrying out” are substituted for “concerned with carrying out” for consistency with similar provisions in other chapters in this part. In clause (2), the words “when relevant” are omitted as surplus. The cross-reference to 15:2023(a)(3) is omitted. The text of 15:2023(a)(3), originally enacted as section 603(a)(3) of the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, 86 Stat. 947), was repealed by section 303(2) of the Anti Car Theft Act of 1992 (Public Law 102-519, 106 Stat. 3396). Section 303(2) also redesignated subsection (a)(4) as subsection (a)(3). However, a corresponding amendment to correct the cross-reference in the source provisions restated in this section was not made.

In subsection (b), the words “authorized to have the information” are added for clarity and consistency with similar provisions in other chapters in this part.

§ 33117. Judicial review

A person that may be adversely affected by a regulation prescribed under this chapter may obtain judicial review of the regulation under section 32909 of this title. A remedy under this section is in addition to any other remedies provided by law.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1093.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 33117, 15:2030, Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §613; added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2763; Oct. 25, 1992, Pub. L. 102-519, §306(a), 106 Stat. 3397.

The words “regulation prescribed” are substituted for “any provision of any standard or other rule” to eliminate unnecessary words and because “rule” and “regulation” are synonymous. The words “in the case of any standard, rule, or other action under this subchapter” are omitted as surplus.

§ 33118. Preemption of State and local law

When a motor vehicle theft prevention standard prescribed under section 33102 or 33103 of this title is in effect, a State or political subdivision of a State may not have a different motor vehicle theft prevention standard for a motor vehicle or major replacement part.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1093.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 33118, 15:2031, Oct. 20, 1972, Pub. L. 92-513, 86 Stat. 947, §614; added Oct. 25, 1984, Pub. L. 98-547, §101(a), 98 Stat. 2763; Oct. 25, 1992, Pub. L. 102-519, §306(a), 106 Stat. 3397.

The words “may not have” are substituted for “no . . . shall have any authority either to establish, or to continue in effect” to eliminate unnecessary words.

SUBTITLE VII—AVIATION PROGRAMS

PART A—AIR COMMERCE AND SAFETY

SUBPART I—GENERAL

Chapter 401. General Provisions Sec. 40101

SUBPART II—ECONOMIC REGULATION

411. Air Carrier Certificates 41101
413. Foreign Air Transportation 41301
415. Pricing 41501
417. Operations of Carriers 41701
419. Transportation of Mail 41901
421. Labor-Management Provisions 42101
423. Passenger Air Service Improvements 42301

SUBPART III—SAFETY

441. Registration and Recordation of Aircraft 44101
443. Insurance 44301
445. Facilities, Personnel, and Research 44501
447. Safety Regulation 44701
449. Security 44901
451. Alcohol and Controlled Substances Testing 45101
453. Fees 45301

SUBPART IV—ENFORCEMENT AND PENALTIES

461. Investigations and Proceedings 46101
463. Penalties 46301
465. Special Aircraft Jurisdiction of the United States 46501

PART B—AIRPORT DEVELOPMENT AND NOISE

471. Airport Development 47101
473. International Airport Facilities 47301
475. Noise 47501

PART C—FINANCING

481. Airport and Airway Trust Fund Authorizations 48101
482. Advance Appropriations for Airport and Airway Trust Facilities 48201
483. Aviation Security Funding 48301

PART D—PUBLIC AIRPORTS

491. METROPOLITAN WASHINGTON AIRPORTS 49101

PART E—MISCELLANEOUS

501. Buy-American Preferences 50101

AMENDMENTS

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.

PART A—AIR COMMERCE AND SAFETY

SUBPART I—GENERAL

CHAPTER 401—GENERAL PROVISIONS

Sec. 40101. Policy.

Sec.	
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.

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 in-

tent, 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.

(10) avoiding unreasonable industry concentration, excessive market domination, monopoly powers, and other conditions that would tend to allow at least one air carrier or foreign air carrier unreasonably to increase prices, reduce services, or exclude competition in air transportation.

(11) maintaining a complete and convenient system of continuous scheduled interstate air transportation for small communities and isolated areas with direct financial assistance from the United States Government when appropriate.

(12) encouraging, developing, and maintaining an air transportation system relying on actual and potential competition—

(A) to provide efficiency, innovation, and low prices; and

(B) to decide on the variety and quality of, and determine prices for, air transportation services.