

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

Chapter

Sec.

Editorial Notes

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 33118 points to 15:2031 and lists various public laws and dates.

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.

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<sup>1</sup> So in original. Probably should be "Unmanned Aircraft Systems".

AMENDMENTS

2018—Pub. L. 115-254, div. K, title I, §1991(i)(2), Oct. 5, 2018, 132 Stat. 3645, which directed amendment of this analysis by striking item for chapter 483 "Aviation security funding", was executed by striking item for chapter 483 "Aviation Security Funding" to reflect the probable intent of Congress.

Pub. L. 115-254, div. B, title III, §341(b)(1), Oct. 5, 2018, 132 Stat. 3287, added item for chapter 448.

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.

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SUBPART I—GENERAL

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AMENDMENTS

2018—Pub. L. 115-254, div. K, title I, §1991(c)(4), Oct. 5, 2018, 132 Stat. 3627, substituted "[Reserved]" for "Secu-

riety and research and development activities” in item 40119.

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 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 air-

ports 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.

(13) encouraging entry into air transportation markets by new and existing air carriers and the continued strengthening of small air carriers to ensure a more effective and competitive airline industry.

(14) promoting, encouraging, and developing civil aeronautics and a viable, privately-owned United States air transport industry.

(15) strengthening the competitive position of air carriers to at least ensure equality with foreign air carriers, including the attainment of the opportunity for air carriers to maintain and increase their profitability in foreign air transportation.

(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.

(b) ALL-CARGO AIR TRANSPORTATION CONSIDERATIONS.—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 and in addition to the matters referred to in subsection (a) of this section, as being in the public interest for all-cargo air transportation:

(1) encouraging and developing an expedited all-cargo air transportation system provided by private enterprise and responsive to—

(A) the present and future needs of shippers;

(B) the commerce of the United States; and