

**Pt. 1503**

**49 CFR Ch. XII (10–1–10 Edition)**

Administrator and the Deputy Administrator, officials designated by TSA's internal order on succession shall serve as Acting Deputy Administrator and shall perform the duties of the Administrator, except for any non-delegable statutory and/or regulatory duties.

**PART 1503—INVESTIGATIVE AND ENFORCEMENT PROCEDURES**

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**Subpart I—Formal Complaints**

- 1503.801 Formal complaints.

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SOURCE: 74 FR 36039, July 21, 2009, unless otherwise noted.

**Subpart A [Reserved]**

**Subpart B—Scope of Investigative and Enforcement Procedures**

**§ 1503.101 TSA requirements.**

(a) The investigative and enforcement procedures in this part apply to TSA's investigation and enforcement of violations of TSA requirements.

(b) For purposes of this part, the term *TSA requirements* means the following statutory provisions and a regulation prescribed or order issued under any of those provisions:

(1) Those provisions of title 49 U.S.C. administered by the Administrator; and

(2) 46 U.S.C. chapter 701.

**§ 1503.103 Terms used in this part.**

In addition to the terms in §1500.3 of this chapter, the following definitions apply in this part:

*Administrative law judge* or *ALJ* means an ALJ appointed pursuant to the provisions of 5 U.S.C. 3105.

*Agency attorney* means the Deputy Chief Counsel for Enforcement or an attorney that he or she designates. An *agency attorney* will not include—

(1) Any attorney in the Office of the Chief Counsel who advises the TSA decision maker regarding an initial decision or any appeal to the TSA decision maker; or

(2) Any attorney who is supervised in a civil penalty action by a person who provides such advice to the TSA decision maker in that action or a factually related action.

*Attorney* means any person who is eligible to practice law in, and is a member in good standing of the bar of, the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbarring, or otherwise restricting him or her in the practice of law.

*Enforcement Investigative Report* or *EIR* means a written report prepared by a TSA Inspector or other authorized agency official detailing the results of an inspection or investigation of a violation of a TSA requirement, including copies of any relevant evidence.

*Mail* includes regular First Class U.S. mail service, U.S. certified mail, or U.S. registered mail.

*Party* means the respondent or TSA.

*Personal delivery* includes hand-delivery or use of a contract or express messenger service, including an overnight express courier service. *Personal delivery* does not include the use of Government interoffice mail service.

*Pleading* means a complaint, an answer, motion and any amendment of these documents permitted under this subpart as well as any other written submission to the ALJ or a party dur-

ing the course of the hearing proceedings.

*Properly addressed* means a document that shows an address contained in agency records, a residential, business, or other address submitted by a person on any document provided under this part, or any other address obtained by other reasonable and available means.

*Public transportation agency* means a publicly owned operator of public transportation eligible to receive Federal assistance under 49 U.S.C. chapter 53.

*Respondent* means the person named in a Notice of Proposed Civil Penalty, a Final Notice of Proposed Civil Penalty and Order, or a complaint.

*TSA decision maker* means the Administrator, acting in the capacity of the decision maker on appeal, or any person to whom the Administrator has delegated the Administrator's decision-making authority in a civil penalty action. As used in this part, the *TSA decision maker* is the official authorized to issue a final decision and order of the Administrator in a civil penalty action.

**Subpart C—Investigative Procedures**

**§ 1503.201 Reports of violations.**

(a) Any person who knows of a violation of a TSA requirement should report it to appropriate personnel of any TSA office.

(b) TSA will review each report made under this section, together with any other information TSA may have that is relevant to the matter reported, to determine the appropriate response, including additional investigation or administrative or legal enforcement action.

**§ 1503.203 Investigations.**

(a) *General.* The Administrator, or a designated official, may conduct investigations, hold hearings, issue subpoenas, require the production of relevant documents, records, and property, and take evidence and depositions.