

Subsec. (a). Pub. L. 106-424, §5(c)(1)(B), substituted “cockpit or surface vehicle recorder” for “cockpit voice recorder” wherever appearing.

Pub. L. 106-424, §5(c)(1)(C), substituted “section 1114(c) or 1114(d)” for “section 1114(c)” wherever appearing.

Subsec. (a)(6). Pub. L. 106-424, §5(c)(1)(D), which directed the amendment of this section by adding par. (6) at the end, was executed by adding par. (6) at the end of subsec. (a) to reflect the probable intent of Congress.

§ 1155. Aviation penalties

(a) **CIVIL PENALTY.**—(1) A person violating section 1132, section 1134(b), section 1134(f)(1), or section 1136(g) (related to an aircraft accident) of this title or a regulation prescribed or order issued under any of those sections is liable to the United States Government for a civil penalty of not more than \$1,000. A separate violation occurs for each day a violation continues.

(2) This subsection does not apply to a member of the armed forces of the United States or an employee of the Department of Defense subject to the Uniform Code of Military Justice when the member or employee is performing official duties. The appropriate military authorities are responsible for taking necessary disciplinary action and submitting to the National Transportation Safety Board a timely report on action taken.

(3) The Board may compromise the amount of a civil penalty imposed under this subsection.

(4) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(5) A civil penalty under this subsection may be collected by bringing a civil action against the person liable for the penalty. The action shall conform as nearly as practicable to a civil action in admiralty.

(b) **CRIMINAL PENALTY.**—A person that knowingly and without authority removes, conceals, or withholds a part of a civil aircraft involved in an accident, or property on the aircraft at the time of the accident, shall be fined under title 18, imprisoned for not more than 10 years, or both.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 758; Pub. L. 104-264, title VII, §702(b), Oct. 9, 1996, 110 Stat. 3267.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1155(a)(5)	49 App.:1903(a)(1)(A). 49 App.:1473(b)(1). 49 App.:1473(b)(4). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A). 49 App.:1472(p).	Aug. 23, 1958, Pub. L. 85-726, §903(b)(1), 72 Stat. 786; Oct. 24, 1978, Pub. L. 95-504, §36, 92 Stat. 1741. Aug. 23, 1958, Pub. L. 85-726, §903(b)(4), 72 Stat. 787. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(p); added Oct. 15, 1962, Pub. L. 87-810, §4, 76 Stat. 921; Aug. 5, 1974, Pub. L. 93-366, §103(b), 88 Stat. 410; Dec. 30, 1987, Pub. L. 100-223, §204(e), 101 Stat. 1520.
1155(b)		

In subsection (a)(1), the words “section 1132 or 1134(b) or (f)(1) (related to an aircraft accident) of this title” are substituted for “any provision of subchapter . . . VII . . . of this chapter” in 49 App.:1471(a)(1) because those sections restate the relevant source provisions of 49 App.:ch. 20 carried out by the Board. The words “regulation prescribed or order issued under either of those sections” are substituted for “rule, regulation, or order issued thereunder” for clarity and consistency in the revised title and with other titles of the United States Code and because “rule” and “regulation” are synonymous. The words “liable to the United States Government” are substituted for “subject to” for clarity. The words “for each such violation” are omitted as unnecessary because of 18:1.

In subsection (a)(2), the word “civilian” is omitted as unnecessary. The words “with respect thereto” are omitted as surplus.

In subsection (a)(4), the words “imposed or compromised” are substituted for “finally determined or fixed by order of the Board, or the amount agreed upon in compromise” in 49 App.:1471(a)(2) for consistency and to eliminate unnecessary words.

In subsection (a)(5), the words “imposed or assessed” are omitted as surplus. The words “civil action against the person” are substituted for “proceedings in personam against the person” in 49 App.:1473(b)(1) for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and to eliminate unnecessary words. The text of 49 App.:1473(b)(1) (1st sentence words after 1st comma and last sentence) is omitted as unnecessary because penalties imposed by the National Transportation Safety Board do not involve liens on aircraft. The text of 49 App.:1473(b)(4) is omitted as unnecessary because of 28:ch. 131.

Editorial Notes

REFERENCES IN TEXT

The Uniform Code of Military Justice, referred to in subsec. (a)(2), is classified generally to chapter 47 (§801 et seq.) of Title 10, Armed Forces.

PRIOR PROVISIONS

Prior chapter 31 (§§3101-3104) of subtitle II redesignated and restated as chapter 315 (§§31501-31504) of subtitle VI of this title by Pub. L. 103-272, §1(c), (e).

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-264 substituted “, section 1134(b), section 1134(f)(1), or section 1136(g)” for “or 1134(b) or (f)(1)” and “any of” for “either of”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1155(a)(1), (2).	49 App.:1471(a)(1) (related to subchapter VII). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A).	Aug. 23, 1958, Pub. L. 85-726, §901(a)(1) (related to title VII), 72 Stat. 783; restated July 10, 1962, Pub. L. 87-528, §12, 76 Stat. 149; Aug. 5, 1974, Pub. L. 93-366, §107, 88 Stat. 414; Jan. 3, 1975, Pub. L. 93-633, §113(b), 88 Stat. 2162. Oct. 15, 1966, Pub. L. 89-670, §6(d) (1st sentence), 80 Stat. 938. Jan. 3, 1975, Pub. L. 93-633, §304(a)(1)(A), 88 Stat. 2168.
1155(a)(3), (4).	49 App.:1471(a)(2) (related to subchapter VII). 49 App.:1655(d) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, §901(a)(2) (related to title VII), 72 Stat. 784; July 10, 1962, Pub. L. 87-528, §12, 76 Stat. 150; restated Oct. 24, 1978, Pub. L. 95-504, §35(b), 92 Stat. 1740.

as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

CHAPTER 13—SURFACE TRANSPORTATION BOARD

I—ESTABLISHMENT¹

Sec.	
1301.	Establishment of Board
1302.	Functions.
1303.	Administrative provisions.
1304.	Reports.
1305.	Authorization of appropriations.
1306.	Reporting official action.

II—ADMINISTRATIVE¹

1321.	Powers.
1322.	Board action.
1323.	Service of notice in Board proceedings.
1324.	Service of process in court proceedings.
1325.	Railroad-Shipper Transportation Advisory Council.
1326.	Authority of the Inspector General.

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-110, §§3(a)(1), (2), 10, Dec. 18, 2015, 129 Stat. 2228, 2233, renumbered chapter 7 of this title as this chapter and amended analysis generally, substituting items 1301 to 1306 and 1321 to 1326 for former items 701 to 706 and 721 to 727, respectively.

SUBCHAPTER I—ESTABLISHMENT

§ 1301. Establishment of Board

(a) ESTABLISHMENT.—The Surface Transportation Board is an independent establishment of the United States Government.

(b) MEMBERSHIP.—(1) The Board shall consist of 5 members, to be appointed by the President, by and with the advice and consent of the Senate. Not more than 3 members may be appointed from the same political party.

(2) At all times—

(A) at least 3 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation, transportation regulation, or economic regulation; and

(B) at least 2 members shall be individuals with professional or business experience (including agriculture) in the private sector.

(3) The term of each member of the Board shall be 5 years and shall begin when the term of the predecessor of that member ends. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, shall be appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified, but for a period not to exceed one year. The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

(4) No individual may serve as a member of the Board for more than 2 terms. In the case of an individual appointed to fill a vacancy occurring

before the expiration of the term for which the predecessor of that individual was appointed, such individual may not be appointed for more than one additional term.

(5) A member of the Board may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode and may not engage in another business, vocation, or employment.

(6) A vacancy in the membership of the Board does not impair the right of the remaining members to exercise all of the powers of the Board. The Board may designate a member to act as Chairman during any period in which there is no Chairman designated by the President.

(c) CHAIRMAN.—(1) There shall be at the head of the Board a Chairman, who shall be designated by the President from among the members of the Board. The Chairman shall receive compensation at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5.

(2) Subject to the general policies, decisions, findings, and determinations of the Board, the Chairman shall be responsible for administering the Board. The Chairman may delegate the powers granted under this paragraph to an officer, employee, or office of the Board. The Chairman shall—

(A) appoint and supervise, other than regular and full-time employees in the immediate offices of another member, the officers and employees of the Board, including attorneys to provide legal aid and service to the Board and its members, and to represent the Board in any case in court;

(B) appoint the heads of offices with the approval of the Board;

(C) distribute Board business among officers and employees and offices of the Board;

(D) prepare requests for appropriations for the Board and submit those requests to the President and Congress with the prior approval of the Board; and

(E) supervise the expenditure of funds allocated by the Board for major programs and purposes.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 932, §701; amended Pub. L. 104-287, §5(5), Oct. 11, 1996, 110 Stat. 3389; renumbered §1301 and amended Pub. L. 114-110, §§3(a)(3), (b), 4, Dec. 18, 2015, 129 Stat. 2228, 2229.)

Editorial Notes

AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 701 of this title as this section.

Subsec. (a). Pub. L. 114-110, §3(b), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “There is hereby established within the Department of Transportation the Surface Transportation Board.”

Subsec. (b)(1). Pub. L. 114-110, §4(a)(1), substituted “5 members” for “3 members” and “3 members” for “2 members”.

Subsec. (b)(2). Pub. L. 114-110, §4(a)(2), added par. (2) and struck out former par. (2) which read as follows: “At any given time, at least 2 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation or transportation regulation, and at least one member

¹ So in original. Does not conform to subchapter heading since word “SUBCHAPTER” does not appear.