

Pub. L. 115-254, §1991(f)(2), substituted “or Administrator of the Federal Aviation Administration” for “or Administrator” wherever appearing.

Subsec. (a)(1). Pub. L. 115-254, §1991(f)(3), substituted “by the Administrator of the Federal Aviation Administration” for “by the Administrator”.

Pub. L. 115-254, §1991(f)(1), substituted “Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary”.

2001—Subsec. (a)(1). Pub. L. 107-71, §140(b)(1), (2), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or)” and substituted “, Under Secretary, or Administrator” for “or Administrator” in two places.

Subsec. (a)(2). Pub. L. 107-71, §140(b)(2), (3), in introductory provisions, substituted “, Under Secretary, or Administrator, as” for “of Transportation or the Administrator, as” and substituted “, Under Secretary, or Administrator” for “or Administrator” in two places.

Subsec. (a)(3), (4). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” wherever appearing.

Subsec. (b). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” in two places.

Statutory Notes and Related Subsidiaries

AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES

Pub. L. 115-254, div. B, title III, §396, Oct. 5, 2018, 132 Stat. 3327, provided that: “Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall designate the appropriate legal counsel of the [Federal Aviation] Administration as an appropriate official for purposes of section 13.11 of title 14, Code of Federal Regulations.”

§ 46102. Proceedings

(a) CONDUCTING PROCEEDINGS.—Subject to subchapter II of chapter 5 of title 5, the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) may conduct proceedings in a way conducive to justice and the proper dispatch of business.

(b) APPEARANCE.—A person may appear and be heard before the Secretary, the Administrator of the Transportation Security Administration, and the Administrator of the Federal Aviation Administration in person or by an attorney. The Secretary may appear and participate as an interested party in a proceeding the Administrator of the Federal Aviation Administration conducts under section 40113(a) of this title.

(c) RECORDING AND PUBLIC ACCESS.—Official action taken by the Secretary, Administrator of the Transportation Security Administration, and Administrator of the Federal Aviation Administration under this part shall be recorded. Proceedings before the Secretary, Administrator

of the Transportation Security Administration, and Administrator of the Federal Aviation Administration shall be open to the public on the request of an interested party unless the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration decides that secrecy is required because of national defense.

(d) CONFLICTS OF INTEREST.—The Secretary, the Administrator of the Transportation Security Administration, the Administrator of the Federal Aviation Administration, or an officer or employee of the Federal Aviation Administration may not participate in a proceeding referred to in subsection (a) of this section in which the individual has a pecuniary interest.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1226; Pub. L. 107-71, title I, §140(b)(1), (2), (4)–(6), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115-254, div. K, title I, §1991(f)(1)–(5), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46102(a)	49 App.:1481 (1st sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §1001, 72 Stat. 788. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1963, Pub. L. 97-449, §7(b), 96 Stat. 2444.
46102(b)	49 App.:1481 (3d, 4th sentences). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46102(c)	49 App.:1481 (last sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46102(d)	49 App.:1481 (2d sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsection (a), the cross-reference to chapter 7 of title 5 is omitted as unnecessary.

In subsection (b), the text of 49 App.:1481 (4th sentence words after last comma) is omitted as obsolete. The words “National Transportation Safety Board” were substituted for “Board” in 49 App.:1481 (4th sentence) because 49 App.:1655(d) transferred all functions, duties, and powers of the Civil Aeronautics Board under titles VI and VII of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 775) to the Secretary of Transportation to be carried out through the former National Transportation Safety Board in the Department of Transportation. Title VI includes sections 602 and 609 [49 App.:1422, 1429], that provide for appeals to the Civil Aeronautics Board (subsequently transferred to the National Transportation Safety Board), and section 611(e) [49 App.:1431(e)], that provides for appeals to the National Transportation Safety Board. Under 49 App.:1902(a), the National Transportation Safety Board in the Department of Transportation was replaced by an independent National Transportation Safety Board outside the Department, and 49 App.:1903(a)(9)(A) gave the independent Board the authority to review appeals from actions of the Secretary under 49 App.:1422, 1429, and 1431(e).

In subsection (c), the words “vote and” are omitted as surplus.

In subsection (d), the words “officer or employee of the Administration” are substituted for “member” for clarity and consistency in the revised title and with other titles of the United States Code. The words “hearing or” are omitted as surplus. The words “referred to in subsection (a) of this section” are added for clarity.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(f)(4), substituted “Administrator of the Transportation Security Administration,” for “Under Secretary,” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(f)(3), substituted “by the Administrator of the Federal Aviation Administration” for “by the Administrator”.

Pub. L. 115–254, §1991(f)(1), substituted “Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary”.

Subsec. (b). Pub. L. 115–254, §1991(f)(5)(A), substituted “the Administrator of the Federal Aviation Administration” for “the Administrator” in two places.

Subsec. (c). Pub. L. 115–254, §1991(f)(5)(B), substituted “and Administrator of the Federal Aviation Administration” for “and Administrator” in two places.

Pub. L. 115–254, §1991(f)(2), substituted “or Administrator of the Federal Aviation Administration” for “or Administrator”.

Subsec. (d). Pub. L. 115–254, §1991(f)(5)(C), substituted “the Administrator of the Federal Aviation Administration, or an officer or employee of the Federal Aviation Administration” for “the Administrator, or an officer or employee of the Administration”.

2001—Subsec. (a). Pub. L. 107–71, §140(b)(1), inserted “the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or” after “(or”.

Subsec. (b). Pub. L. 107–71, §140(b)(4), substituted “, the Under Secretary, and the Administrator” for “and the Administrator”.

Subsec. (c). Pub. L. 107–71, §140(b)(2), (5), substituted “, Under Secretary, and Administrator” for “and Administrator” in two places and “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (d). Pub. L. 107–71, §140(b)(6), inserted “the Under Secretary,” after “Secretary,”.

§ 46103. Service of notice, process, and actions

(a) DESIGNATING AGENTS.—(1) Each air carrier and foreign air carrier shall designate an agent on whom service of notice and process in a proceeding before, and an action of, the Secretary of Transportation (or the Administrator of the Transportation Security Administration with respect to security duties and powers designated to be carried out by the Administrator of the Transportation Security Administration or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator of the Federal Aviation Administration) may be made.

(2) The designation—

(A) shall be in writing and filed with the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration; and

(B) may be changed in the same way as originally made.

(b) SERVICE.—(1) Service may be made—

(A) by personal service;

(B) on a designated agent;

(C) by certified or registered mail to the person to be served or the designated agent of the person;

(D) by electronic or facsimile transmission to the person to be served or the designated agent of the person; or

(E) as designated by regulation or guidance published in the Federal Register.

(2) The date of service made by certified or registered mail is the date of mailing.

(3) The date of service made by an electronic or facsimile method is—

(A) the date an electronic or facsimile transmission is sent; or

(B) the date a notification is sent by an electronic or facsimile method that a notice, process, or action is immediately available and accessible in an electronic database.

(c) SERVING AGENTS.—Service on an agent designated under this section shall be made at the office or usual place of residence of the agent or at the electronic or facsimile address designated by the agent. If an air carrier or foreign air carrier does not have a designated agent, service may be made by posting the notice, process, or action in the office of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1227; Pub. L. 107–71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115–254, div. K, title I, §1991(f)(1)–(4), Oct. 5, 2018, 132 Stat. 3642; Pub. L. 118–63, title II, §219, May 16, 2024, 138 Stat. 1057.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
46103(a)	49 App.:1485(b) (1st sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §1005(b), 72 Stat. 794. Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704. Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
46103(b)	49 App.:1485(c).	Aug. 23, 1958, Pub. L. 85–726, §1005(c), 72 Stat. 794; re-stated Aug. 25, 1959, Pub. L. 86–199, 73 Stat. 427.
46103(c)	49 App.:1485(b) (last sentence). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In subsection (a)(1), the words “in a proceeding before” are added for clarity. The word “action” is substituted for “orders, decisions, and requirements” to eliminate unnecessary words. The words “for and on behalf of said carrier” are omitted as surplus.

In subsection (a)(2)(B), the words “from time to time” are omitted as surplus.

In subsection (b)(1)(B), the words “in writing for the purpose” are omitted as surplus.

In subsection (b)(1)(C), the word “addressed” is omitted as surplus.

In subsection (b)(2), the word “date” is substituted for “time” for clarity and consistency.

In subsection (c), the words “with like effect as if made personally upon such carrier” are omitted as surplus.

Editorial Notes

AMENDMENTS

2024—Subsec. (b)(1)(D), (E). Pub. L. 118–63, §219(1)(A), added subpars. (D) and (E).

Subsec. (b)(3). Pub. L. 118–63, §219(1)(B), added par. (3).