

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).

Subsec. (c). Pub. L. 118-63, §219(2), substituted "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." for "Service on an agent designated under this section shall be made at the office or usual place of residence of the agent."

2018—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".

Subsec. (a)(2)(A). Pub. L. 115-254, §1991(f)(2), (4), substituted "Administrator of the Transportation Security Administration," for "Under Secretary," and "or Administrator of the Federal Aviation Administration" for "or Administrator".

Subsec. (c). Pub. L. 115-254, §1991(f)(2), (4), substituted "Administrator of the Transportation Security Administration," for "Under Secretary," and "or Administrator of the Federal Aviation Administration" for "or Administrator".

2001—Subsec. (a)(1). 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. (a)(2)(A). Pub. L. 107-71, §140(b)(2), substituted ", Under Secretary, or Administrator" for "or Administrator".

Subsec. (c). Pub. L. 107-71, §140(b)(2), substituted ", Under Secretary, or Administrator" for "or Administrator".

§ 46104. Evidence

(a) GENERAL.—In conducting a hearing or investigation under this part, 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—

(1) subpoena witnesses and records related to a matter involved in the hearing or investigation from any place in the United States to the designated place of the hearing or investigation;

(2) administer oaths;

(3) examine witnesses; and

(4) receive evidence at a place in the United States the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration designates.

(b) COMPLIANCE WITH SUBPOENAS.—If a person disobeys a subpoena, the Secretary, the Administrator of the Transportation Security Administration, the Administrator of the Federal Aviation Administration, or a party to a proceeding before the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may petition a court of the United States to enforce the subpoena. A judicial pro-

ceeding to enforce a subpoena under this section may be brought in the jurisdiction in which the proceeding or investigation is conducted. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court.

(c) DEPOSITIONS.—(1) In a proceeding or investigation, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration may order a person to give testimony by deposition and to produce records. If a person fails to be deposed or to produce records, the order may be enforced in the same way a subpoena may be enforced under subsection (b) of this section.

(2) A deposition may be taken before an individual designated by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration and having the power to administer oaths.

(3) Before taking a deposition, the party or the attorney of the party proposing to take the deposition must give reasonable notice in writing to the opposing party or the attorney of record of that party. The notice shall state the name of the witness and the time and place of taking the deposition.

(4) The testimony of a person deposed under this subsection shall be under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent. Each deposition shall be filed promptly with the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration.

(5) If the laws of a foreign country allow, the testimony of a witness in that country may be taken by deposition—

(A) by a consular officer or an individual commissioned by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration or agreed on by the parties by written stipulation filed with the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration; or

(B) under letters rogatory issued by a court of competent jurisdiction at the request of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration.

(d) WITNESS FEES AND MILEAGE AND CERTAIN FOREIGN COUNTRY EXPENSES.—A witness summoned before the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration or whose deposition is taken under this section and the individual taking the deposition are each entitled to the same fee and mileage that the witness and individual would have been paid for those services in a court of the United States. Under regulations of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, the Secretary, Admin-