

2001—Subsec. (a). 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” wherever appearing.

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

**§ 46106. Enforcement by the Department of Transportation**

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 bring a civil action against a person in a district court of the United States to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part. The action may be brought in the judicial district in which the person does business or the violation occurred.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1229; Pub. L. 107-71, title I, §140(b)(1), (7), Nov. 19, 2001, 115 Stat. 641; Pub. L. 115-254, div. K, title I, §1991(f)(1), (3), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)   | Source (Statutes at Large)   |
|-----------------|--|--|
| 46106 .....     | 49 App.:1487(a) (related to Secretary and CAB).<br>49 App.:1551(b)(1)(E).<br>49 App.:1655(c)(1). | Aug. 23, 1958, Pub. L. 85-726, §1007(a) (related to Administrator and CAB), 72 Stat. 796.<br>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.<br>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. |

The words “their duly authorized agents” are omitted as surplus. The words “may bring a civil action” are substituted for “may apply” for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The word “prescribed” is added for consistency in the revised title and with other titles of the Code. The words “condition, or limitation” are omitted as being included in “term”. The text of 49 App.:1487(a) (words after semicolon related to Secretary and CAB) is omitted as surplus because of 28:1651 and rule 81(b) of the Federal Rules of Civil Procedure (28 App. U.S.C.).

**Editorial Notes**

AMENDMENTS

2018—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—Pub. L. 107-71, §140(b)(7), substituted “Department of Transportation” for “Secretary of Transportation and Administrator of the Federal Aviation Administration” in section catchline.

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)”.

**§ 46107. Enforcement by the Attorney General**

(a) CIVIL ACTIONS TO ENFORCE SECTION 40106(b).—The Attorney General may bring a civil action in a district court of the United States against a person to enforce section 40106(b) of this title. The action may be brought in the judicial district in which the person does business or the violation occurred.

(b) CIVIL ACTIONS TO ENFORCE THIS PART.—(1) On request 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), the Attorney General may bring a civil action in an appropriate court—

(A) to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part; and

(B) to prosecute a person violating this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part.

(2) The costs and expenses of a civil action shall be paid out of the appropriations for the expenses of the courts of the United States.

(c) PARTICIPATION OF SECRETARY, ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION, OR ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.—On request of the Attorney General, the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, as appropriate, may participate in a civil action under this part.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1229; 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.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)  | Source (Statutes at Large)  |
|-----------------|---|---|
| 46107(a) .....  | 49 App.:1487(a) (related to Attorney General).                            | Aug. 23, 1958, Pub. L. 85-726, §1007(a) (related to Attorney General), 72 Stat. 796; Aug. 5, 1974, Pub. L. 93-366, §108, 88 Stat. 414.  |
| 46107(b) .....  | 49 App.:1487(b) (related to Secretary and CAB).<br>49 App.:1551(b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, §§1007(b) (related to Administrator and CAB), 1008 (related to Administrator and CAB), 72 Stat. 796.<br>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. |

## HISTORICAL AND REVISION NOTES—CONTINUED

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>   | <i>Source (Statutes at Large)</i>   |
|------------------------|---|---|
|                        | 49 App.:1655(c)(1).   | 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. |
| 46107(c) .....         | 49 App.:1488 (related to Secretary and CAB).<br>49 App.:1551(b)(1)(E).<br>49 App.:1655(c)(1). |   |

In subsection (a), the words “may bring a civil action” are substituted for “may apply” for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The text of 49 App.:1487(a) (words after semicolon related to Attorney General) is omitted as surplus because of 28:1651 and rule 81(b) of the Federal Rules of Civil Procedure.

In subsection (b)(1), before clause (A), the words “Attorney General” are substituted for “any district attorney of the United States to whom the Board or Secretary of Transportation may apply”, and the words “under the direction of the Attorney General” are omitted, because of 28:503 and 509. The words “bring a civil action” are substituted for “institute . . . and to prosecute . . . all necessary proceedings” for consistency in the revised title and with other titles of the Code and rule 2 of the Federal Rules of Civil Procedure. In clauses (A) and (B), the words “prescribed” and “issued” are added for consistency in the revised title and with other titles of the Code. The words “condition, or limitation” are omitted as being included in “term”.

In subsection (b)(2), the words “civil action” are substituted for “prosecutions” for consistency in the revised title and with other titles of the Code.

In subsection (c), the words “civil action” are substituted for “proceeding in court” for consistency in the revised title and with other titles of the Code and rule 2 of the Federal Rules of Civil Procedure.

**Editorial Notes**

## AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-254, §1991(f)(3), substituted “by the Administrator of the Federal Aviation Administration” for “by the Administrator” in introductory provisions.

Pub. L. 115-254, §1991(f)(1), in introductory provisions, 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. (c). Pub. L. 115-254, §1991(f)(4), which directed substitution of “Administrator of the Transportation Security Administration,” for “Under Secretary,” was executed by making the substitution in heading and text to reflect the probable intent of Congress.

Pub. L. 115-254, §1991(f)(2), which directed substitution of “or Administrator of the Federal Aviation Administration” for “or Administrator”, was executed by making the substitution in heading and text to reflect the probable intent of Congress.

2001—Subsec. (b)(1). Pub. L. 107-71, §140(b)(1), in introductory provisions, 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. (c). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” in heading and text.

**§ 46108. Enforcement of certificate requirements by interested persons**

An interested person may bring a civil action in a district court of the United States against a person to enforce section 41101(a)(1) of this title. The action may be brought in the judicial district in which the defendant does business or the violation occurred.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1229.)

## HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>                       | <i>Source (Statutes at Large)</i>   |
|------------------------|---|---|
| 46108 .....            | 49 App.:1487(a) (related to party in interest). | Aug. 23, 1958, Pub. L. 85-726, §1007(a) (related to party in interest), 72 Stat. 796. |

The words “interested person” are substituted for “party in interest” for consistency. The words “may bring a civil action” are substituted for “may apply” for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The text of 49 App.:1487(a) (words after semicolon related to party in interest) is omitted as surplus because of 28:1651 and rule 81(b) of the Federal Rules of Civil Procedure.

**§ 46109. Joinder and intervention**

A person interested in or affected by a matter under consideration in a proceeding before 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) or civil action to enforce this part or a requirement or regulation prescribed, or an order or any term of a certificate or permit issued, under this part may be joined as a party or permitted to intervene in the proceeding or civil action.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1230; Pub. L. 115-254, div. K, title I, §1991(f)(8), 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>   |
|------------------------|---|---|
| 46109 .....            | 49 App.:1489.<br>49 App.:1551(b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, §1009, 72 Stat. 796.<br>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. |

The words “proceeding . . . or civil action” are substituted for “proceeding . . . whether such proceedings be instituted . . . or be begun originally in any court of the United States” for consistency in the revised title and with other titles of the United States Code and rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “prescribed . . . issued” are added for consistency in the revised title and with other titles of the Code. The words “condition, or limitation” are omitted as being included in “term”. The words “may be joined as a party or permitted to intervene” are substituted for “it shall be lawful to include as parties, or to permit the intervention of” for clarity. The text of 49 App.:1489 (words after semicolon) is omitted as surplus.