

## HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code)  | Source (Statutes at Large) |
|-----------------|---|----------------------------|
| 46110(d) .....  | 49 App.:1486(e) (1st sentence related to Secretary and CAB).<br>49 App.:1551(b)(1)(E).<br>49 App.:1655(c)(1).<br>49 App.:1486(e) (last sentence) (related to Secretary and CAB).<br>49 App.:1551(b)(1)(E).<br>49 App.:1655(c)(1).<br>49 App.:1486(f) (related to Secretary and CAB).<br>49 App.:1551(b)(1)(E).<br>49 App.:1655(c)(1). |                            |
| 46110(e) .....  |   |                            |

In subsections (a)–(d), the word “Administrator” in section 1006 of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 795) is retained on authority of 49:106(g).

In subsection (a), the words “affirmative or negative” are omitted as surplus. The words “is issued” are substituted for “the entry of” for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words “if any” are omitted as surplus. The words “of any proceeding” are added for clarity. The words “complained of” are omitted as surplus.

In subsection (c), the word “amend” is added for consistency in the revised title. The word “interim” is substituted for “interlocutory” for clarity. The words “taking other appropriate action” are substituted for “by such mandatory or other relief as may be appropriate” for clarity and to eliminate unnecessary words.

In subsection (d), the words “made in the proceeding conducted by” are substituted for “urged before” for clarity.

## Editorial Notes

## REFERENCES IN TEXT

Subsection (s) of section 114, referred to in subsec. (a), was redesignated subsec. (r) by Pub. L. 110-161, div. E, title V, § 568(a), Dec. 26, 2007, 121 Stat. 2092.

## AMENDMENTS

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

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

2003—Subsec. (a). Pub. L. 108-176, in first sentence, struck out “safety” before “duties and powers designated to be carried out by the Administrator” and substituted “in whole or in part under this part, part B, or subsection (l) or (s) of section 114” for “under this part”.

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”.

Subsecs. (b) to (d). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator” wherever appearing.

## Statutory Notes and Related Subsidiaries

## EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

## § 46111. Certificate actions in response to a security threat

(a) ORDERS.—The Administrator of the Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator of the Federal Aviation Administration is notified by the Administrator of the Transportation Security Administration that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Administrator of the Transportation Security Administration, the order shall be effective immediately.

(b) HEARINGS FOR CITIZENS.—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator of the Federal Aviation Administration under subsection (a) is entitled to a hearing on the record.

(c) HEARINGS.—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator of the Federal Aviation Administration or the Administrator of the Transportation Security Administration.

(d) APPEALS.—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.

(e) REVIEW.—A person substantially affected by an action of a panel under subsection (d), or the Administrator of the Transportation Security Administration when the Administrator of the Transportation Security Administration decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Administrator of the Transportation Security Administration and the Administrator of the Federal Aviation Administration shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.

(f) EXPLANATION OF DECISIONS.—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.

## (g) CLASSIFIED EVIDENCE.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration and the Director of Central Intelligence, shall issue regulations to establish procedures by which the Administrator of the Transportation Security Administration, as part of a hearing conducted under this section, may provide an unclassified summary of classified evidence upon which the order of the Administrator of the Federal Aviation Administration was based to the individual adversely affected by the order.

## (2) REVIEW OF CLASSIFIED EVIDENCE BY ADMINISTRATIVE LAW JUDGE.—

(A) REVIEW.—As part of a hearing conducted under this section, if the order of the Administrator of the Federal Aviation Administration issued under subsection (a) is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Administrator of the Transportation Security Administration to the reviewing administrative law judge, pursuant to appropriate security procedures, and shall be reviewed by the administrative law judge *ex parte* and in camera.

(B) SECURITY CLEARANCES.—Pursuant to existing procedures and requirements, the Administrator of the Transportation Security Administration shall, in coordination, as necessary, with the heads of other affected departments or agencies, ensure that administrative law judges reviewing orders of the Administrator of the Federal Aviation Administration under this section possess security clearances appropriate for their work under this section.

(3) UNCLASSIFIED SUMMARIES OF CLASSIFIED EVIDENCE.—As part of a hearing conducted under this section and upon the request of the individual adversely affected by an order of the Administrator of the Federal Aviation Administration under subsection (a), the Administrator of the Transportation Security Administration shall provide to the individual and reviewing administrative law judge, consistent with the procedures established under paragraph (1), an unclassified summary of any classified information upon which the order of the Administrator of the Federal Aviation Administration is based.

(Added Pub. L. 108-176, title VI, § 601(a), Dec. 12, 2003, 117 Stat. 2561; amended Pub. L. 115-254, div. B, title V, § 539(l), div. K, title I, § 1991(f)(9), Oct. 5, 2018, 132 Stat. 3371, 3643.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 1(a) of the Classified Information Procedures Act, referred to in subsec. (g)(2)(A), is section 1(a) of Pub. L. 96-456, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

## AMENDMENTS

2018—Pub. L. 115-254, § 1991(f)(9)(D), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, § 1991(f)(9)(A), inserted “the” before “Federal Aviation Administration shall issue” and substituted “Administrator of the Federal Aviation Administration is notified by the Administrator of the Transportation Security Administration” for “Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security”.

Subsecs. (b), (c), (e). Pub. L. 115-254, § 1991(f)(9)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

Subsec. (g). Pub. L. 115-254, § 1991(f)(9)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator” wherever appearing.

Subsec. (g)(2)(A). Pub. L. 115-254, §§ 539(l), 1991(f)(9)(C), made identical amendments, substituting “(18 U.S.C. App.)” for “(18 U.S.C. App.)”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

## DEEMED REFERENCES TO CHAPTERS 509 AND 511 OF TITLE 51

General references to “this title” deemed to refer also to chapters 509 and 511 of Title 51, National and Commercial Space Programs, see section 4(d)(8) of Pub. L. 111-314, set out as a note under section 101 of this title.

**CHAPTER 463—PENALTIES**

| Sec.   |  |
|--------|--|
| 46301. | Civil penalties.   |
| 46302. | False information.   |
| 46303. | Carrying a weapon.   |
| 46304. | Liens on aircraft.   |
| 46305. | Actions to recover civil penalties.  |
| 46306. | Registration violations involving aircraft not providing air transportation.   |
| 46307. | Violation of national defense airspace.  |
| 46308. | Interference with air navigation.  |
| 46309. | Concession and price violations.   |
| 46310. | Reporting and recordkeeping violations.  |
| 46311. | Unlawful disclosure of information.  |
| 46312. | Transporting hazardous material.   |
| 46313. | Refusing to appear or produce records.   |
| 46314. | Entering aircraft or airport area in violation of security requirements.   |
| 46315. | Lighting violations involving transporting controlled substances by aircraft not providing air transportation.           |
| 46316. | General criminal penalty when specific penalty not provided.   |
| 46317. | Criminal penalty for pilots operating in air transportation without an airman's certificate.                             |
| 46318. | Interference with cabin or flight crew.  |
| 46319. | Permanent closure of an airport without providing sufficient notice.   |
| 46320. | Interference with wildfire suppression, law enforcement, or emergency response effort by operation of unmanned aircraft. |

**Editorial Notes**

## AMENDMENTS

2016—Pub. L. 114-190, title II, § 2205(c), July 15, 2016, 130 Stat. 631, added item 46320.

2003—Pub. L. 108-176, title I, § 185(b), Dec. 12, 2003, 117 Stat. 2518, added item 46319.

2000—Pub. L. 106-181, title V, §§ 509(b), 511(b), Apr. 5, 2000, 114 Stat. 141, 142, added items 46317 and 46318.

**§ 46301. Civil penalties**

(a) GENERAL PENALTY.—(1) A person is liable to the United States Government for a civil pen-