

In subsection (a), before clause (1), the words “fined under title 18” are substituted for “fined not more than \$5,000 in the case of an individual and not more than \$10,000 in the case of a person other than an individual” for consistency in this section and with title 18.

In subsection (b), the words “or representation” are omitted as surplus.

PUB. L. 103-429

This amends 49:44711(a)(2)(B), (5), and (7) and 46310(b) to correct erroneous cross-references.

**Editorial Notes**

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-429 inserted “any of sections” before “44702-44716”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

**§ 46311. Unlawful disclosure of information**

(a) **CRIMINAL PENALTY.**—The Secretary of Transportation, 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, or an officer or employee of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration shall be fined under title 18, imprisoned for not more than 2 years, or both, if the Secretary, Administrator of the Transportation Security Administration, Administrator of the Federal Aviation Administration, officer, or employee knowingly and willfully discloses information that—

(1) the Secretary, Administrator of the Transportation Security Administration, Administrator of the Federal Aviation Administration, officer, or employee acquires when inspecting the records of an air carrier; or

(2) is withheld from public disclosure under section 40115 of this title.

(b) **NONAPPLICATION.**—Subsection (a) of this section does not apply if—

(1) the officer or employee is directed by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration to disclose information that the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration had ordered withheld; or

(2) the Secretary, Administrator of the Transportation Security Administration, Administrator of the Federal Aviation Administration, officer, or employee is directed by a court of competent jurisdiction to disclose the information.

(c) **WITHHOLDING INFORMATION FROM CONGRESS.**—This section does not authorize the Sec-

retary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration to withhold information from a committee of Congress authorized to have the information.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 107-71, title I, §140(d)(6), Nov. 19, 2001, 115 Stat. 642; Pub. L. 115-254, div. K, title I, §1991(g)(3), Oct. 5, 2018, 132 Stat. 3644.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46311(a), (b)	49 App.:1472(f) (words before proviso). 49 App.:1551(b)(1)(E).  49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §902(f), 72 Stat. 785.  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.
46311(c) .....	49 App.:1472(f) (proviso). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

In this section, the word “Administrator” in section 902(f) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 785) is retained on authority of 49:106(g).

In subsection (a), before clause (1), the words “fined under title 18” are substituted for “a fine of not more than \$5,000” for consistency with title 18. The words “upon conviction thereof be subject for each offense” are omitted as surplus. The words “any fact or” are omitted as being included in “information”. In clause (1), the words “the Secretary, Administrator, officer, or employee acquires” are substituted for “may come to his knowledge” for clarity and consistency.

In subsection (b)(2), the words “or a judge thereof” are omitted as surplus.

In subsection (c), the word “duly” is omitted as surplus.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-254, §1991(g)(3)(C), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(g)(3)(A)(i), 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, 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” for “Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary, the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator”, “Administrator of the Federal Aviation Administration shall” for “Administrator shall”, and “Administrator of the Federal Aviation Administration,” for “Administrator,”.

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

Subsecs. (b), (c). Pub. L. 115-254, §1991(g)(3)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator” wherever appearing.

2001—Subsec. (a). Pub. L. 107-71, §140(d)(6), 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," after "Transportation," and "Under Secretary," after "Secretary," and substituted ", Under Secretary, or Administrator" for "or Administrator".

Subsec. (a)(1). Pub. L. 107-71, §140(d)(6)(B) inserted "Under Secretary," after "Secretary."

Subsec. (b)(1). Pub. L. 107-71, §140(d)(6)(C), substituted ", Under Secretary, or Administrator" for "or Administrator" in two places.

Subsec. (b)(2). Pub. L. 107-71, §140(d)(6)(B) inserted "Under Secretary," after "Secretary."

Subsec. (c). Pub. L. 107-71, §140(d)(6)(C), substituted ", Under Secretary, or Administrator" for "or Administrator".

§ 46312. Transporting hazardous material

(a) IN GENERAL.—A person shall be fined under title 18, imprisoned for not more than 5 years, or both, if the person, in violation of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary of Transportation under this part or chapter 51—

- (1) willfully delivers, or causes to be delivered, property containing hazardous material to an air carrier or to an operator of a civil aircraft for transportation in air commerce; or
(2) recklessly causes the transportation in air commerce of the property.

(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part or chapter 51 is not an element of an offense under this section but shall be considered in mitigation of the penalty.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 106-181, title V, §507, Apr. 5, 2000, 114 Stat. 140; Pub. L. 109-59, title VII, §7128(a), Aug. 10, 2005, 119 Stat. 1909.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 46312, 49 App.:1472(h)(2), Aug. 23, 1958, Pub. L. 85-726, §902(h)(2), 72 Stat. 785; re-stated Jan. 3, 1975, Pub. L. 93-633, §113(c), 88 Stat. 2162.

In this section, before clause (1), the words "is guilty of an offense", "Upon conviction", and "for each offense" are omitted as surplus. The words "fined under title 18" are substituted for "a fine of not more than \$25,000" for consistency with title 18. The word "prescribed" is substituted for "issued" for consistency in the revised title and with other titles of the United States Code. In clause (1), the words "shipment, baggage, or other" are omitted as surplus.

Editorial Notes

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59, §7128(a)(1), substituted "this part or chapter 51—" for "this part—" in introductory provisions.

Subsec. (b). Pub. L. 109-59, §7128(a)(2), inserted "or chapter 51" after "under this part".

2000—Pub. L. 106-181 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of

Pub. L. 106-181, set out as a note under section 106 of this title.

§ 46313. Refusing to appear or produce records

A person not obeying a subpoena or requirement 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) to appear and testify or produce records shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 107-71, title I, §140(d)(7), Nov. 19, 2001, 115 Stat. 642; Pub. L. 115-254, div. K, title I, §1991(g)(4), Oct. 5, 2018, 132 Stat. 3644.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 46313, 49 App.:1472(g), 49 App.:1551(b)(1)(E), 49 App.:1655(c)(1), Aug. 23, 1958, Pub. L. 85-726, §902(g), 72 Stat. 785; 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.

The word "Administrator" in section 902(g) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 785) is retained on authority of 49:106(g). The words "not obeying" are substituted for "who shall neglect or refuse . . . or to answer any lawful inquiry . . . in obedience to" to eliminate surplus words. The word "lawful" is omitted as surplus. The word "appear" is substituted for "attend" for clarity. The word "records" is substituted for "books, papers, or documents" for consistency in the revised title and with other titles of the United States Code. The words "if in his power to do so" are omitted as surplus. The words "shall be guilty of a misdemeanor" are omitted for consistency with title 18. The words "and, upon conviction thereof" are omitted as surplus. The words "fined under title 18" are substituted for "a fine of not less than \$100 nor more than \$5,000" for consistency with title 18.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254 substituted "subpoena" for "subpena" and "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" for "Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation safety duties and powers designated to be carried out by the Administrator".

2001—Pub. L. 107-71 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)".