

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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”.

§ 46314. Entering aircraft or airport area in violation of security requirements

(a) PROHIBITION.—A person may not knowingly and willfully enter, in violation of security requirements prescribed under section 44901, 44903(b) or (c), or 44906 of this title, an aircraft or an airport area that serves an air carrier or foreign air carrier.

(b) CRIMINAL PENALTY.—(1) A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than one year, or both.

(2) A person violating subsection (a) of this section with intent to evade security procedures or restrictions or with intent to commit, in the aircraft or airport area, a felony under a law of the United States or a State shall be fined under title 18, imprisoned for not more than 10 years, or both.

(c) NOTICE OF PENALTIES.—

(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under section 46301(a)(5)(A)(i) and subsection (b) of this section are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to a penalty imposed under section 46301(a)(5)(A)(i) or subsection (b) of this section without regard to whether signs are displayed at an airport as required by paragraph (1).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1239; Pub. L. 112-74, div. D, title V, §564(b), (c), Dec. 23, 2011, 125 Stat. 981.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46314	49 App.:1472(r).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(r); added Dec. 30, 1987, Pub. L. 100-223, §204(f)(2), 101 Stat. 1520.

In subsection (b), the words “fined under title 18” are substituted for “a fine not to exceed \$1,000” and “a fine not to exceed \$10,000” for consistency with title 18.

In subsection (b)(1), the words “Upon conviction” are omitted as surplus.

In subsection (b)(2), the words “airport area” are substituted for “secured area” for consistency in this section.

Editorial Notes

AMENDMENTS

2011—Subsec. (b)(2). Pub. L. 112-74, §564(b), inserted “with intent to evade security procedures or restrictions or” after “of this section”.

Subsec. (c). Pub. L. 112-74, §564(c), added subsec. (c).

§ 46315. Lighting violations involving transporting controlled substances by aircraft not providing air transportation

(a) APPLICATION.—This section applies only to aircraft not used to provide air transportation.