

In subsection (c)(1), the words “pending before it, at any stage of such proceeding or investigation” in 49 App.:1484(e) are omitted as surplus. The words “a person to give” are substituted for “to be taken”, and the words “to produce records” are added, for clarity and consistency. The last sentence is substituted for 49 App.:1484(e) (last sentence) for clarity and consistency and to eliminate unnecessary words.

In subsection (c)(4), the words “shall be cautioned . . . to testify the whole truth, and shall be carefully examined” in 49 App.:1484(f) are omitted as surplus. The words “shall be under oath” are substituted for “shall be required to swear (or affirm, if he so requests)” for consistency and because of 1:1.

In subsection (d), the words “that the witness and individual would have been” are added for clarity and consistency in the revised title and with other titles of the Code. The words “fees, charges, or” and “on the subject” are omitted as surplus.

In subsection (e), the words “duly . . . for such purpose” are omitted as surplus. The words “employee appointed under section 3105 of title 5” are substituted for “examiner”, and the words “subpena witnesses” are substituted for “sign and issue subpoenas”, for consistency in the revised title and with other titles of the Code. The words “In all cases heard by an examiner or a single member” are omitted as surplus.

AMENDMENTS

2001—Subsec. (a). 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. (a)(4). Pub. L. 107-71, §140(b)(2), substituted “, Under Secretary, or Administrator” for “or Administrator”.

Subsec. (b). Pub. L. 107-71, §140(b)(2), (6), inserted “the Under Secretary,” after “Secretary,” and substituted “, Under Secretary, or Administrator” for “or Administrator”.

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

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46105. Regulations and orders

(a) EFFECTIVENESS OF ORDERS.—Except as provided in this part, a regulation prescribed or order issued by the Secretary of Transportation (or the 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) takes effect within a reasonable time prescribed by the Secretary, Under Secretary, or Administrator. The regulation or order remains in effect under its own terms or until superseded. Except as provided in this part, the Secretary, Under Secretary, or Administrator may amend, modify, or suspend an order in the way, and by giving the notice, the Secretary, Under Secretary, or Administrator decides.

(b) CONTENTS AND SERVICE OF ORDERS.—An order of the Secretary, Under Secretary, or Administrator shall include the findings of fact on which the order is based and shall be served on the parties to the proceeding and the persons affected by the order.

(c) EMERGENCIES.—When the Administrator is of the opinion that an emergency exists related to safety in air commerce and requires immediate action, the Administrator, on the initiative of the Administrator or on complaint, may prescribe regulations and issue orders immediately to meet the emergency, with or without notice and without regard to this part and subchapter II of chapter 5 of title 5. The Administrator shall begin a proceeding immediately about an emergency under this subsection and give preference, when practicable, to the proceeding.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1228; Pub. L. 107-71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46105(a)	49 App.:1485(a) (words before 1st proviso), (d), (e), 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85-726, §1005(a), (d)-(f), 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, 1963, Pub. L. 97-449, §7(b), 96 Stat. 2444.
46105(b)	49 App.:1485(f). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46105(c)	49 App.:1485(a) (provisos). 49 App.:1655(c)(1).	

In subsection (a), the words “under its own terms or until superseded” are substituted for “until their further order, rule, or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation” for clarity and to eliminate unnecessary words. The word “amend” is added for consistency in the revised title. The text of 49 App.:1485(e) is omitted as surplus.

In subsection (c), the words “without complaint” and “if he so orders” are omitted as surplus. The words “prescribe . . . issue” are substituted for “make” for consistency in the revised title and with other titles of the United States Code. The words “just and reasonable” and “as may be essential in the interest of safety in air commerce” are omitted as surplus. The words “without regard to this part and subchapter II of chapter 5 of title 5” are substituted for “without answer or other form of pleading by the interested person or persons, and . . . hearing, or the making or filing of a report” to eliminate unnecessary words. The words “over all others under this chapter” are omitted as surplus.

AMENDMENTS

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”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administra-

tion of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46106. Enforcement by the Department of Transportation

The Secretary of Transportation (or the 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) 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.)

HISTORICAL AND REVISION NOTES

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

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.).

AMENDMENTS

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)”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security,

and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 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 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), 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, UNDER SECRETARY, OR ADMINISTRATOR.—On request of the Attorney General, the Secretary, Under Secretary, or Administrator, 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.)

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).	Aug. 23, 1958, Pub. L. 85–726, §§1007(b) (related to Administrator and CAB), 1008 (related to Administrator and CAB), 72 Stat. 796.
	49 App.:1551(b)(1)(E).	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.
	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).	
	49 App.:1551(b)(1)(E).	
	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