

lished 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 Under Secretary when the Under Secretary 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 Under Secretary and the Administrator 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 Under Secretary, in consultation with the Administrator and the Director of Central Intelligence, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducted under this section, may provide an unclassified summary of classified evidence upon which the order of the Administrator 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 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.),<sup>1</sup> such information may be submitted by the Under Secretary 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 Under Secretary shall, in coordination, as necessary, with the heads of other affected departments or agencies, ensure that administrative law judges reviewing orders of the Administrator 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 under subsection (a), the Under Secretary shall provide to the individ-

ual 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 is based.

(Added Pub. L. 108–176, title VI, § 601(a), Dec. 12, 2003, 117 Stat. 2561.)

#### 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.

#### 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.

#### 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 penalty of not more than \$25,000 (or \$1,100 if the person is an individual or small business concern) for violating—

<sup>1</sup> So in original. Probably should be “App.”.