

Administration, or Administrator of the Federal Aviation Administration, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration, if supported by substantial evidence, are conclusive.

(d) REQUIREMENT FOR PRIOR OBJECTION.—In reviewing an order under this section, the court may consider an objection to an order of the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration only if the objection was made in the proceeding conducted by the Secretary, Administrator of the Transportation Security Administration, or Administrator of the Federal Aviation Administration or if there was a reasonable ground for not making the objection in the proceeding.

(e) SUPREME COURT REVIEW.—A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1230; Pub. L. 107–71, title I, §140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641; Pub. L. 108–176, title II, §228, Dec. 12, 2003, 117 Stat. 2532; Pub. L. 115–254, div. K, title I, §1991(f)(1)–(4), Oct. 5, 2018, 132 Stat. 3642.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46110(a) .....	49 App.:1486(a), (b) (as 1486(a), (b) relates to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §1006(a), (b), (e), (f) (as §1006(a), (b), (e), (f) relates to Administrator and CAB), 72 Stat. 795. 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.
46110(b) .....	49 App.:1486(c) (related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §1006(c) (related to Administrator and CAB), 72 Stat. 795; restated June 29, 1960, Pub. L. 86–546, §1, 74 Stat. 255.
46110(c) .....	49 App.:1486(d) (related to Secretary and CAB). 49 App.:1486(e) (1st sentence related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	Aug. 23, 1958, Pub. L. 85–726, §1006(d) (related to Administrator and CAB), 72 Stat. 795; restated Sept. 13, 1961, Pub. L. 87–225, §2, 75 Stat. 497.
46110(d) .....	49 App.:1486(e) (last sentence) (related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	
46110(e) .....	49 App.:1486(f) (related to Secretary and CAB). 49 App.:1551(b)(1)(E). 49 App.:1655(c)(1).	

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 re-

vised 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.

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.

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 ad-

versely 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 Adminis-

trator 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.)

#### 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.)”.

#### 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.
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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—

(A) chapter 401 (except sections 40103(a) and (d), 40105, 40116, and 40117), chapter 411, chapter 413 (except sections 41307 and 41310(b)-(f)), chapter 415 (except sections 41502, 41505, and 41507-41509), chapter 417 (except sections 41703, 41704, 41710, 41713, and 41714), chapter 419, subchapter II or III of chapter 421, chapter 423, chapter 441 (except section 44109), section 44502(b) or (c), chapter 447 (except sections 44717 and 44719-44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, 44907(a)-(d)(1)(A) and (d)(1)(C)-(f), and 44908), chapter 451, section 47107(b) (including any assurance made under such section), or section 47133 of this title;

(B) a regulation prescribed or order issued under any provision to which clause (A) of this paragraph applies;

(C) any term of a certificate or permit issued under section 41102, 41103, or 41302 of this title; or

(D) a regulation of the United States Postal Service under this part.

(2) A separate violation occurs under this subsection for each day the violation (other than a

violation of section 41719) continues or, if applicable, for each flight involving the violation (other than a violation of section 41719).

(3) PENALTY FOR DIVERSION OF AVIATION REVENUES.—The amount of a civil penalty assessed under this section for a violation of section 47107(b) of this title (or any assurance made under such section) or section 47133 of this title may be increased above the otherwise applicable maximum amount under this section to an amount not to exceed 3 times the amount of revenues that are used in violation of such section.

(4) AVIATION SECURITY VIOLATIONS.—Notwithstanding paragraph (1) of this subsection, the maximum civil penalty for violating chapter 449 shall be \$10,000; except that the maximum civil penalty shall be \$25,000 in the case of a person operating an aircraft for the transportation of passengers or property for compensation (except an individual serving as an airman).

(5) PENALTIES APPLICABLE TO INDIVIDUALS AND SMALL BUSINESS CONCERNS.—

(A) An individual (except an airman serving as an airman) or small business concern is liable to the Government for a civil penalty of not more than \$10,000 for violating—

(i) chapter 401 (except sections 40103(a) and (d), 40105, 40106(b), 40116, and 40117), section 44502 (b) or (c), chapter 447 (except sections 44717-44723), chapter 448, chapter 449 (except sections 44902, 44903(d), 44904, and 44907-44909), chapter 451, or section 46314(a) of this title; or

(ii) a regulation prescribed or order issued under any provision to which clause (i) applies.

(B) A civil penalty of not more than \$10,000 may be imposed for each violation under paragraph (1) committed by an individual or small business concern related to—

(i) the transportation of hazardous material;

(ii) the registration or recordation under chapter 441 of an aircraft not used to provide air transportation;

(iii) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;

(iv) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or

(v) a violation of section 40127 or section 41705, relating to discrimination.

(C) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41719 committed by an individual or small business concern shall be \$5,000 instead of \$1,000.

(D) Notwithstanding paragraph (1), the maximum civil penalty for a violation of section 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary of Transportation by an individual or small business concern that is intended to afford consumer protection to commercial air transportation passengers shall be \$2,500 for each violation.