

plus. In subclause (A), the words “procure, contract for, or otherwise” are omitted as surplus. The words “for itself or in carrying out an arrangement under which payment is made by the Government or payment is made from amounts provided for the use of the Government” are substituted for “in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other special arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or conditionally granted or utilized by or otherwise” for clarity and to eliminate unnecessary words. In subclause (B), the word “country” is substituted for “nation” for consistency in the revised title and with other titles of the Code. The words “international or other organization” are substituted for “international agency, or other organization, of whatever nationality” to eliminate unnecessary words. The words “provisions for” are omitted as surplus.

In subsection (b), before clause (1), the words “government of a foreign country” are substituted for “foreign government” for consistency in the revised title and with other titles of the Code. The words “or governments” are omitted because of 1:1.

In subsection (c), the words “for payment for personnel or cargo transportation” are omitted as surplus.

In subsection (d), the words “the limitations established by” are omitted as surplus. The words “after October 7, 1978” are omitted as executed. The words “Secretary of State” are substituted for “Department of State” because of 22:2651. The words “Director of the United States Information Agency” are substituted for “International Communication Agency” in section 706 of the Act of October 7, 1978 (Public Law 95-426, 92 Stat. 992), because of section 2 of Reorganization Plan No. 2 of 1977 (eff. July 1, 1978, 91 Stat. 1636) and section 303(b) of the United States Information Agency Authorization Act, Fiscals Year 1982 and 1983 (Public Law 97-241, 96 Stat. 291). The words “Director of the United States International Development Cooperation Agency” are substituted for “Agency for International Development (or any successor agency)” in section 706 because of section 6(a)(3) of Reorganization Plan No. 2 of 1979 (eff. October 1, 1979, 93 Stat. 1379). The words “a foreign air carrier” are substituted for “air carriers which do not hold certificates under section 1371 of this Appendix” for clarity. See H. Conf. Rept. No. 95-1535, 95th Cong., 2d Sess., p. 45 (1978).

In subsection (e), the word “affect” is substituted for “prevent” for clarity. The words “to such traffic” are omitted as surplus.

PUB. L. 104-287, §5(68)(A)

This amends the catchline for 49:40118(d) to make a clarifying amendment.

PUB. L. 104-287, §5(68)(B)

This amends 49:40118(f)(1) to make a clarifying amendment.

AMENDMENTS

2011—Subsec. (f)(2). Pub. L. 111-350 substituted “section 103 of title 41” for “section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))”.

2003—Subsec. (f)(2). Pub. L. 108-176 inserted “, except that it shall not include a contract for the transportation by air of passengers” before period at end.

1998—Subsec. (d). Pub. L. 105-277, §1422(b)(6), substituted “or the Administrator of the Agency for International Development” for “the Director of the United States International Development Cooperation Agency”.

Pub. L. 105-277, §1335(p), struck out “, the Director of the United States Information Agency,” after “Secretary of State”.

Pub. L. 105-277, §1225(h), struck out “, or the Director of the Arms Control and Disarmament Agency” before “may be used to pay”.

1996—Subsec. (c). Pub. L. 104-316 substituted “Administrator of General Services shall prescribe regulations under which agencies may” for “Comptroller General shall”.

Subsec. (d). Pub. L. 104-287, §5(68)(A), substituted “CERTAIN TRANSPORTATION BY AIR OUTSIDE THE UNITED STATES” for “TRANSPORTATION BY FOREIGN AIR CARRIERS” in heading.

Subsec. (f). Pub. L. 104-287, §5(68)(B), inserted heading.

1994—Subsec. (f). Pub. L. 103-355 added subsec. (f).

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of Title 10, Armed Forces.

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.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1225(h) of Pub. L. 105-277 effective on earlier of Apr. 1, 1999, or date of abolition of the United States Arms Control and Disarmament Agency pursuant to reorganization plan described in section 6601 of Title 22, Foreign Relations and Intercourse, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of Title 22.

Amendment by section 1335(p) of Pub. L. 105-277 effective on earlier of Oct. 1, 1999, or date of abolition of the United States Information Agency pursuant to reorganization plan described in section 6601 of Title 22, Foreign Relations and Intercourse, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of Title 22.

Amendment by section 1422(b)(6) of Pub. L. 105-277 effective on earlier of Apr. 1, 1999, or date of abolition of the United States International Development Cooperation Agency pursuant to reorganization plan described in section 6601 of Title 22, Foreign Relations and Intercourse, see section 1401 of Pub. L. 105-277, set out as an Effective Date note under section 6561 of Title 22.

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 251 of Title 41, Public Contracts.

§ 40119. Security and research and development activities

(a) GENERAL REQUIREMENTS.—The Under Secretary of Transportation for Security and the Administrator of the Federal Aviation Administration each shall conduct research (including behavioral research) and development activities appropriate to develop, modify, test, and evaluate a system, procedure, facility, or device to protect passengers and property against acts of criminal violence, aircraft piracy, and terrorism and to ensure security.

(b) DISCLOSURE.—(1) Notwithstanding section 552 of title 5 and the establishment of a Department of Homeland Security, the Secretary of Transportation shall prescribe regulations prohibiting disclosure of information obtained or developed in ensuring security under this title if the Secretary of Transportation decides disclosing the information would—

(A) be an unwarranted invasion of personal privacy;

(B) reveal a trade secret or privileged or confidential commercial or financial information; or

(C) be detrimental to transportation safety.

(2) Paragraph (1) of this subsection does not authorize information to be withheld from a committee of Congress authorized to have the information.

(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

(A) to conceal a violation of law, inefficiency, or administrative error;

(B) to prevent embarrassment to a person, organization, or agency;

(C) to restrain competition; or

(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.

(4) Section 552a of title 5 shall not apply to disclosures that the Administrator may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.

(c) TRANSFERS OF DUTIES AND POWERS PROHIBITED.—Except as otherwise provided by law, the Under Secretary may not transfer a duty or power under this section to another department, agency, or instrumentality of the United States Government.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1117; Pub. L. 107–71, title I, §101(e), Nov. 19, 2001, 115 Stat. 603; Pub. L. 107–296, title XVI, §1601(a), Nov. 25, 2002, 116 Stat. 2312; Pub. L. 111–83, title V, §561(c)(2), Oct. 28, 2009, 123 Stat. 2182; Pub. L. 112–95, title VIII, §801, Feb. 14, 2012, 126 Stat. 118.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40119(a)	49 App.:1357(d)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(d)(1), (e)(1); added Aug. 5, 1974, Pub. L. 93–366, §202, 88 Stat. 417.
40119(b)	49 App.:1357(d)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(d)(2); added Aug. 5, 1974, Pub. L. 93–366, §202, 88 Stat. 417; Nov. 5, 1990, Pub. L. 101–508, §9121, 104 Stat. 1388–370.
40119(c)	49 App.:1357(e)(1).	

In this section, the word “Administrator” in section 316(d) and (e) of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 731) is retained on authority of 49:106(g).

In subsection (a), the words “as he may deem” and “aboard aircraft in air transportation or intrastate air transportation” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “relating to freedom of information”, “as he may deem necessary”, and “in the conduct of research and development activities” are omitted as surplus. In clause (A), the words “(including, but not limited to, information contained in any personnel, medical, or similar file)” are omitted as surplus. In clause (B), the words “obtained from any person” are omitted as surplus. In clause (C), the word “traveling” is omitted as surplus.

In subsection (b)(2), the word “duly” is omitted as surplus. The words “to have the information” are added for clarity.

AMENDMENTS

2012—Subsec. (b)(4). Pub. L. 112–95 added par. (4).

2009—Subsec. (b)(3). Pub. L. 111–83 added par. (3).

2002—Subsec. (a). Pub. L. 107–296, §1601(a)(1), inserted “and the Administrator of the Federal Aviation Administration each” after “for Security” and substituted “criminal violence, aircraft piracy, and terrorism and to ensure security” for “criminal violence and aircraft piracy”.

Subsec. (b)(1). Pub. L. 107–296, §1601(a)(2)(A), (B), in introductory provisions, substituted “and the establishment of a Department of Homeland Security, the Secretary of Transportation” for “, the Under Secretary” and “ensuring security under this title if the Secretary of Transportation” for “carrying out security or research and development activities under section 44501(a) or (c), 44502(a)(1) or (3), (b), or (c), 44504, 44505, 44507, 44508, 44511, 44512, 44513, 44901, 44903(a), (b), (c), or (e), 44905, 44912, 44935, 44936, or 44938(a) or (b) of this title if the Under Secretary”.

Subsec. (b)(1)(C). Pub. L. 107–296, §1601(a)(2)(C), substituted “transportation safety” for “the safety of passengers in transportation”.

2001—Subsec. (a). Pub. L. 107–71, §101(e)(1), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

Subsec. (b). Pub. L. 107–71, §101(e)(2), substituted “Under Secretary” for “Administrator” in two places in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 107–71, §101(e)(3), struck out “air” before “transportation”.

Subsec. (c). Pub. L. 107–71, §101(e)(2), substituted “Under Secretary” for “Administrator”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

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.

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.

§ 40120. Relationship to other laws

(a) NONAPPLICATION.—Except as provided in the International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.), the navigation and shipping laws of the United States and the rules for the prevention of collisions do not apply to aircraft or to the navigation of vessels related to those aircraft.

(b) EXTENDING APPLICATION OUTSIDE UNITED STATES.—The President may extend (in the way and for periods the President considers nec-