

such technologies and systems that have been successfully tested under this section, an airport sponsor may apply for a grant under subchapter I of chapter 471 to purchase an unmanned aircraft detection and mitigation system. For purposes of this subsection, purchasing an unmanned aircraft detection and mitigation system shall be considered airport development (as defined in section 47102).

(f) BRIEFING.—The Administrator shall annually brief the appropriate committees of Congress, including the Committee on Judiciary<sup>2</sup> of the House of Representatives and the Committee on the Judiciary of the Senate, on the implementation of this section.

(g) APPLICABILITY OF OTHER LAWS.—Section 46502 of this title, section 32 of title 18, United States Code (commonly known as the Aircraft Sabotage Act), section 1031 of title 18, United States Code (commonly known as the Computer Fraud and Abuse Act of 1986),<sup>1</sup> sections 2510–2522 of title 18, United States Code (commonly known as the Wiretap Act), and sections 3121–3127 of title 18, United States Code (commonly known as the Pen/Trap Statute), shall not apply to activities authorized by the Administrator pursuant to subsection<sup>3</sup> (c) and (d).

(h) SUNSET.—This section ceases to be effective September 30, 2023.

(i) NON-DELEGATION.—The Administrator shall not delegate any authority granted to the Administrator under this section to other Federal, State, local, territorial, or tribal agencies, or an airport sponsor, as defined in section 47102 of title 49, United States Code. The Administrator may partner with other Federal agencies under this section, subject to any restrictions contained in such agencies' authority to operate counter unmanned aircraft systems.

(Added Pub. L. 115–254, div. B, title III, § 383(a), Oct. 5, 2018, 132 Stat. 3321.)

### Editorial Notes

#### REFERENCES IN TEXT

The Aircraft Sabotage Act, referred to in subsec. (g), is part B (§§ 2011–2015) of chapter XX of title II of Pub. L. 98–473, Oct. 12, 1984, 98 Stat. 2187. Section 2013(b) of the Act generally amended section 32 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 31 of Title 18 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§ 1001 et seq.) of Title 5 by Pub. L. 117–286, §§ 3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

The Computer Fraud and Abuse Act of 1986, referred to in subsec. (g), is Pub. L. 99–474, § 1, Oct. 16, 1986, 100 Stat. 1213, which amended section 1030 of Title 18, Crimes and Criminal Procedure. Section 1031 of Title 18 was enacted by Pub. L. 100–700, known as the Major Fraud Act of 1988.

<sup>2</sup> So in original. Probably should be preceded by “the”.

<sup>3</sup> So in original. Probably should be “subsections”.

### Statutory Notes and Related Subsidiaries

#### COOPERATION RELATED TO CERTAIN COUNTER-UAS TECHNOLOGY

Pub. L. 115–254, div. B, title III, § 365, Oct. 5, 2018, 132 Stat. 3310, provided that: “In matters relating to the use of systems in the national airspace system intended to mitigate threats posed by errant or hostile unmanned aircraft system operations, the Secretary of Transportation shall consult with the Secretary of Defense to streamline deployment of such systems by drawing upon the expertise and experience of the Department of Defense in acquiring and operating such systems consistent with the safe and efficient operation of the national airspace system.”

#### ENFORCEMENT

Pub. L. 115–254, div. B, title III, § 372, Oct. 5, 2018, 132 Stat. 3312, provided that:

“(a) UAS SAFETY ENFORCEMENT.—The Administrator of the Federal Aviation Administration shall establish a pilot program to utilize available remote detection or identification technologies for safety oversight, including enforcement actions against operators of unmanned aircraft systems that are not in compliance with applicable Federal aviation laws, including regulations.

“(b) REPORTING.—As part of the pilot program, the Administrator shall establish and publicize a mechanism for the public and Federal, State, and local law enforcement to report suspected operation of unmanned aircraft in violation of applicable Federal laws and regulations.

“(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of the FAA Reauthorization Act of 2018 [Oct. 5, 2018], and annually thereafter through the duration of the pilot program established in subsection (a), the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the following:

“(1) The number of unauthorized unmanned aircraft operations detected in restricted airspace, including in and around airports, together with a description of such operations.

“(2) The number of enforcement cases brought by the Federal Aviation Administration or other Federal agencies for unauthorized operation of unmanned aircraft detected through the program, together with a description of such cases.

“(3) Recommendations for safety and operational standards for unmanned aircraft detection and mitigation systems.

“(4) Recommendations for any legislative or regulatory changes related to mitigation or detection or identification of unmanned aircraft systems.

“(d) SUNSET.—The pilot program established in subsection (a) shall terminate on September 30, 2023.

“(e) CIVIL PENALTIES.—[Amended section 46301 of this title.]

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Administrator to pursue an enforcement action for a violation of this subtitle or any other applicable provision of aviation safety law or regulation using remote detection or identification or other technology following the sunset of the pilot program.”

### CHAPTER 449—SECURITY

#### SUBCHAPTER I—REQUIREMENTS

Sec. 44901.	Screening passengers and property.
44902.	Refusal to transport passengers and property.
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44904.	Domestic air transportation system security.
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Sec.	
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44917.	Deployment of Federal air marshals.
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44919.	PreCheck Program.
44920.	Security screening opt-out program. <sup>1</sup>
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44923.	Airport security improvement projects.
44924.	Repair station security.
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44927.	Expedited screening for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans.
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44931.	Authority to exempt.
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44943.	Performance management system.
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44946.	Aviation Security Advisory Committee.
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**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-254, div. K, title I, §§1937(b)(2), 1943(b), 1955(a)(2), 1988(b), 1991(j)(2), 1992, Oct. 5, 2018, 132 Stat. 3579, 3584, 3596, 3623, 3646, added items 44929, 44931, 44932, 44942, 44943, 44947, and 44948 and substituted “PreCheck Program” for “Security screening pilot program” in item 44919 and “Deputization” for “Deputa-tion” in item 44922.

2014—Pub. L. 113-238, §2(b), Dec. 18, 2014, 128 Stat. 2846, which directed amendment of analysis for subchapter II of chapter 449 of title 49 by adding item 44946 at the end, was executed by adding item 44946 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 113-221, §2(b), Dec. 16, 2014, 128 Stat. 2094, which directed amendment of analysis for title 49 by adding item 44928 after item 44927, was executed by adding item 44928 to analysis for this chapter, to reflect the probable intent of Congress.

<sup>1</sup>Section catchline amended by Pub. L. 115-254 without corresponding amendment of chapter analysis.

2013—Pub. L. 113-27, §2(b), Aug. 9, 2013, 127 Stat. 504, which directed amendment of analysis for subchapter I of chapter 449 by adding item 44927 after item 44926, was executed by adding item 44927 to analysis for this chapter to reflect the probable intent of Congress.

Pub. L. 112-271, §2(b), Jan. 14, 2013, 126 Stat. 2447, substituted “Disposition of unclaimed money and clothing” for “Disposition of unclaimed money” in item 44945.

2007—Pub. L. 110-53, title XVI, §1606(b), Aug. 3, 2007, 121 Stat. 483, added item 44926.

2004—Pub. L. 108-458, title IV, §4013(b), Dec. 17, 2004, 118 Stat. 3720, added item 44925.

Pub. L. 108-334, title V, §515(c), Oct. 18, 2004, 118 Stat. 1318, added item 44945.

2003—Pub. L. 108-176, title VI, §§605(b)(3), 611(b)(2), Dec. 12, 2003, 117 Stat. 2568, 2572, added items 44923 and 44924.

Pub. L. 108-7, div. I, title III, §351(c), Feb. 20, 2003, 117 Stat. 420, added item 44922.

2002—Pub. L. 107-296, title XIV, §1402(b)(1), Nov. 25, 2002, 116 Stat. 2305, added item 44921.

2001—Pub. L. 107-71, title I, §§101(f)(6), 105(b), 107(b), 108(b), 113(b), 125(b), 131(b), Nov. 19, 2001, 115 Stat. 603, 607, 611, 613, 622, 632, 635, added items 44917 to 44920, 44939, 44941, and 44944 and struck out items 44931 “Director of Intelligence and Security” and 44932 “Assistant Administrator for Civil Aviation Security”.

Pub. L. 107-71, title I, §118(b), Nov. 19, 2001, 115 Stat. 627, which directed addition of item 44940 to the analysis for chapter 449 without specifying the Code title to be amended, was executed by adding item 44940 to this analysis to reflect the probable intent of Congress.

1996—Pub. L. 104-264, title III, §312(b), Oct. 9, 1996, 110 Stat. 3254, added item 44916.

SUBCHAPTER I—REQUIREMENTS

**§ 44901. Screening passengers and property**

(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. In the case of flights and flight segments originating in the United States, the screening shall take place before boarding and shall be carried out by a Federal Government employee (as defined in section 2105 of title 5), except as otherwise provided in section 44920 and except for identifying passengers and baggage for screening under the CAPPs and known shipper programs and conducting positive bag-match programs.

(b) SUPERVISION OF SCREENING.—All screening of passengers and property at airports in the United States where screening is required under this section shall be supervised by uniformed Federal personnel of the Transportation Security Administration who shall have the power to order the dismissal of any individual performing such screening.

(c) CHECKED BAGGAGE.—A system must be in operation to screen all checked baggage at all airports in the United States as soon as practicable.

(d) EXPLOSIVES DETECTION SYSTEMS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall take all necessary action to ensure that—

(A) explosives detection systems are deployed as soon as possible to ensure that all

United States airports described in section 44903(c) have sufficient explosives detection systems to screen all checked baggage, and that as soon as such systems are in place at an airport, all checked baggage at the airport is screened by those systems; and

(B) all systems deployed under subparagraph (A) are fully utilized; and

(C) if explosives detection equipment at an airport is unavailable, all checked baggage is screened by an alternative means.

(2) PRECLEARANCE AIRPORTS.—

(A) IN GENERAL.—For a flight or flight segment originating at an airport outside the United States and traveling to the United States with respect to which checked baggage has been screened in accordance with an aviation security preclearance agreement between the United States and the country in which such airport is located, the Administrator of the Transportation Security Administration may, in coordination with U.S. Customs and Border Protection, determine whether such baggage must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

(B) AVIATION SECURITY PRECLEARANCE AGREEMENT DEFINED.—In this paragraph, the term “aviation security preclearance agreement” means an agreement that delineates and implements security standards and protocols that are determined by the Administrator of the Transportation Security Administration, in coordination with U.S. Customs and Border Protection, to be comparable to those of the United States and therefore sufficiently effective to enable passengers to deplane into sterile areas of airports in the United States.

(C) RESCREENING REQUIREMENT.—If the Administrator of the Transportation Security Administration determines that the government of a foreign country has not maintained security standards and protocols comparable to those of the United States at airports at which preclearance operations have been established in accordance with this paragraph, the Administrator shall ensure that Transportation Security Administration personnel rescreen passengers arriving from such airports and their property in the United States before such passengers are permitted into sterile areas of airports in the United States.

(D) REPORT.—The Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the re-screening of baggage under this paragraph. Each such report shall include the following for the year covered by the report:

(i) A list of airports outside the United States from which a flight or flight segment traveled to the United States for which the Administrator determined, in

accordance with the authority under subparagraph (A), that checked baggage was not required to be re-screened in the United States by an explosives detection system before such baggage continued on an additional flight or flight segment.

(ii) The amount of Federal savings generated from the exercise of such authority.

(e) MANDATORY SCREENING WHERE EDS NOT YET AVAILABLE.—As soon as practicable and until the requirements of subsection (b)(1)(A) are met, the Administrator of the Transportation Security Administration shall require alternative means for screening any piece of checked baggage that is not screened by an explosives detection system. Such alternative means may include 1 or more of the following:

(1) A bag-match program that ensures that no checked baggage is placed aboard an aircraft unless the passenger who checked the baggage is aboard the aircraft.

(2) Manual search.

(3) Search by canine explosives detection units in combination with other means.

(4) Other means or technology approved by the Administrator.

(f) CARGO DEADLINE.—A system must be in operation to screen, inspect, or otherwise ensure the security of all cargo that is to be transported in all-cargo aircraft in air transportation and intrastate air transportation as soon as practicable.

(g) AIR CARGO ON PASSENGER AIRCRAFT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.

(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of the Transportation Security Administration, are used to screen cargo carried on passenger aircraft described in paragraph (1) to provide a level of security commensurate with the level of security for the screening of passenger checked baggage.

(3) REGULATIONS.—The Secretary of Homeland Security shall issue a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.

(4) SCREENING DEFINED.—In this subsection the term “screening” means a physical examination or non-intrusive methods of assessing whether cargo poses a threat to transportation security. Methods of screening include x-ray systems, explosives detection systems, explosives trace detection, explosives detection canine teams certified by the Transportation Security Administration, or a physical search together with manifest verification. The Administrator may approve additional methods to ensure that the cargo does not pose a threat to transportation security and to assist in meeting the requirements of this subsection. Such additional cargo screening methods shall

not include solely performing a review of information about the contents of cargo or verifying the identity of a shipper of the cargo that is not performed in conjunction with other security methods authorized under this subsection, including whether a known shipper is registered in the known shipper database. Such additional cargo screening methods may include a program to certify the security methods used by shippers pursuant to paragraphs (1) and (2) and alternative screening methods pursuant to exemptions referred to in subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007.

(h) DEPLOYMENT OF ARMED PERSONNEL.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and national security.

(2) MINIMUM REQUIREMENTS.—Except at airports required to enter into agreements under subsection (c), the Administrator of the Transportation Security Administration shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Administrator shall order the deployment of additional law enforcement personnel at airport security screening locations if the Administrator determines that the additional deployment is necessary to ensure passenger safety and national security.

(i) EXEMPTIONS AND ADVISING CONGRESS ON REGULATIONS.—The Administrator of the Transportation Security Administration—

(1) may exempt from this section air transportation operations, except scheduled passenger operations of an air carrier providing air transportation under a certificate issued under section 41102 of this title or a permit issued under section 41302 of this title; and

(2) shall advise Congress of a regulation to be prescribed under this section at least 30 days before the effective date of the regulation, unless the Administrator decides an emergency exists requiring the regulation to become effective in fewer than 30 days and notifies Congress of that decision.

(j) BLAST-RESISTANT CARGO CONTAINERS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall—

(A) evaluate the results of the blast-resistant cargo container pilot program that was initiated before August 3, 2007; and

(B) prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees<sup>1</sup> of Congress and air carriers a report on that evaluation which may contain nonclassified and classified sections.

(2) ACQUISITION, MAINTENANCE, AND REPLACEMENT.—Upon completion and consistent with the results of the evaluation that paragraph (1)(A) requires, the Administrator shall—

(A) develop and implement a program, as the Administrator determines appropriate, to acquire, maintain, and replace blast-resistant cargo containers;

(B) pay for the program; and

(C) make available blast-resistant cargo containers to air carriers pursuant to paragraph (3).

(3) DISTRIBUTION TO AIR CARRIERS.—The Administrator shall make available, beginning not later than July 1, 2008, blast-resistant cargo containers to air carriers for use on a risk managed basis as determined by the Administrator.

(k) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall—

(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47134(m));<sup>2</sup> and

(B) implement a program to perform such assessments on a risk-managed basis at general aviation airports.

(2) GRANT PROGRAM.—The Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to operators of general aviation airports (as defined in section 47134(m))<sup>1</sup> for projects to upgrade security at such airports. If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.

(3) APPLICATION TO GENERAL AVIATION AIRCRAFT.—The Administrator shall develop a risk-based system under which—

(A) general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information and advance notification requirements for United States Customs and Border Protection before entering United States airspace; and

(B) such information is checked against appropriate databases.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Transportation Security Administration such sums as may be necessary to carry out paragraphs (2) and (3).

(l) LIMITATIONS ON USE OF ADVANCED IMAGING TECHNOLOGY FOR SCREENING PASSENGERS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) ADVANCED IMAGING TECHNOLOGY.—The term “advanced imaging technology”—

(i) means a device used in the screening of passengers that creates a visual image of an individual showing the surface of the skin and revealing other objects on the body; and

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

<sup>2</sup> See References in Text note below.

(ii) may include devices using backscatter x-rays or millimeter waves and devices referred to as “whole-body imaging technology” or “body scanning machines”.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(i) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(ii) the Committee on Homeland Security of the House of Representatives.

(C) AUTOMATIC TARGET RECOGNITION SOFTWARE.—The term “automatic target recognition software” means software installed on an advanced imaging technology that produces a generic image of the individual being screened that is the same as the images produced for all other screened individuals.

(2) USE OF ADVANCED IMAGING TECHNOLOGY.—The Administrator of the Transportation Security Administration shall ensure that any advanced imaging technology used for the screening of passengers under this section—

(A) is equipped with and employs automatic target recognition software; and

(B) complies with such other requirements as the Administrator determines necessary to address privacy considerations.

(3) EXTENSION.—

(A) IN GENERAL.—The Administrator of the Transportation Security Administration may extend the deadline specified in paragraph (2), if the Administrator determines that—

(i) an advanced imaging technology equipped with automatic target recognition software is not substantially as effective at screening passengers as an advanced imaging technology without such software; or

(ii) additional testing of such software is necessary.

(B) DURATION OF EXTENSIONS.—The Administrator of the Transportation Security Administration may issue one or more extensions under subparagraph (A). The duration of each extension may not exceed one year.

(4) REPORTS.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Administrator of the Transportation Security Administration issues any extension under paragraph (3), the Administrator shall submit to the appropriate congressional committees a report on the implementation of this subsection.

(B) ELEMENTS.—A report submitted under subparagraph (A) shall include the following:

(i) A description of all matters the Administrator of the Transportation Security Administration considers relevant to the implementation of the requirements of this subsection.

(ii) The status of compliance by the Transportation Security Administration with such requirements.

(iii) If the Administration is not in full compliance with such requirements—

(I) the reasons for the noncompliance; and

(II) a timeline depicting when the Administrator of the Transportation Security Administration expects the Administration to achieve full compliance.

(C) SECURITY CLASSIFICATION.—To the greatest extent practicable, a report prepared under subparagraph (A) shall be submitted in an unclassified format. If necessary, the report may include a classified annex.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1204; Pub. L. 107–71, title I, §§101(f)(7), 110(b), Nov. 19, 2001, 115 Stat. 603, 614; Pub. L. 107–296, title IV, §425, Nov. 25, 2002, 116 Stat. 2185; Pub. L. 110–53, title XVI, §§1602(a), 1609, 1617, Aug. 3, 2007, 121 Stat. 477, 484, 488; Pub. L. 112–95, title VIII, §826, Feb. 14, 2012, 126 Stat. 132; Pub. L. 112–218, §2, Dec. 20, 2012, 126 Stat. 1593; Pub. L. 114–125, title VIII, §815, Feb. 24, 2016, 130 Stat. 220; Pub. L. 115–254, div. K, title I, §§1937(b)(3), 1991(d)(1), Oct. 5, 2018, 132 Stat. 3579, 3627.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44901(a) .....	49 App.:1356(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §315(a) (1st, 2d sentences, 3d sentence 19th–last words); added Aug. 5, 1974, Pub. L. 93–366, §202, 88 Stat. 415; Aug. 8, 1985, Pub. L. 99–83, §551(b)(1), 99 Stat. 225.
44901(b) .....	49 App.:1356(a) (2d sentence).	
44901(c)(1) ..	49 App.:1356(c).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §315(c); added Aug. 5, 1974, Pub. L. 93–366, §202, 88 Stat. 415; Nov. 16, 1990, Pub. L. 101–604, §102(a), 104 Stat. 3068.
44901(c)(2) ..	49 App.:1356(a) (3d sentence 19th–last words).	

In subsection (a), the words “or continue in effect reasonable”, “intended”, and “the aircraft for such transportation” are omitted as surplus.

In subsection (b), the words “Notwithstanding subsection (a) of this section” are added for clarity. The words “One year after August 5, 1974, or after the effective date of such regulations, whichever is later” are omitted as executed. The words “alter or”, “a continuation of”, “the extent deemed necessary to”, and “acts of” are omitted as surplus.

In subsection (c)(1), the words “in whole or in part” and “those” are omitted as surplus. The word “providing” is substituted for “engaging in” for consistency in the revised title. The words “interstate, overseas, or foreign” are omitted because of the definition of “air transportation” in section 40102(a) of the revised title. The words “of public convenience and necessity”, “by the Civil Aeronautics Board”, “foreign air carrier”, and “by the Board” are omitted as surplus.

In subsection (c)(2), the words “or amendments thereto” and “or amendments” are omitted as surplus.

#### Editorial Notes

##### REFERENCES IN TEXT

Subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (g)(4), is section 1602(b) of Pub. L. 110–53, title XVI, Aug. 3, 2007, 121 Stat. 479, which is not classified to the Code.

Section 47134(m), referred to in subsec. (k)(1)(A), (2), is section 47134(m) of this title, which was repealed by Pub. L. 115-254, div. B, title I, §160(a)(6), Oct. 5, 2018, 132 Stat. 3221.

## AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(1)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” and struck out “, United States Code” after “title 5”.

Pub. L. 115-254, §1937(b)(3), struck out “44919 or” before “44920”.

Subsec. (c). Pub. L. 115-254, §1991(d)(1)(B), struck out “but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act” before period at end.

Subsec. (d)(1). Pub. L. 115-254, §1991(d)(1)(C)(i)(I), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in introductory provisions.

Subsec. (d)(1)(A). Pub. L. 115-254, §1991(d)(1)(C)(i)(II), struck out “no later than December 31, 2002” after “to screen all checked baggage”.

Subsec. (d)(2). Pub. L. 115-254, §1991(d)(1)(C)(ii), (iii), redesignated par. (4) as (2) and struck out former par. (2) which related to determination by the Under Secretary of Transportation for Security that the Transportation Security Administration would not be able to deploy required explosives detection systems at certain airports by Dec. 31, 2002.

Subsec. (d)(2)(A). Pub. L. 115-254, §1991(d)(1)(C)(iv)(I), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary (Transportation Security Administration)”.

Subsec. (d)(2)(B). Pub. L. 115-254, §1991(d)(1)(C)(iv)(II), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary”.

Subsec. (d)(2)(D). Pub. L. 115-254, §1991(d)(1)(C)(iv)(III), in introductory provisions, substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary” and, in cl. (i), substituted “Administrator” for “Assistant Secretary”.

Subsec. (d)(3), (4). Pub. L. 115-254, §1991(d)(1)(C)(ii), (iii), struck out par. (3) and redesignated par. (4) as (2). Prior to amendment, text of par. (3) read as follows: “Until the Transportation Security Administration has met the requirements of paragraph (1), the Under Secretary shall submit a classified report every 30 days after the date of enactment of this Act to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure describing the progress made toward meeting such requirements at each airport.”

Subsec. (e). Pub. L. 115-254, §1991(d)(1)(D)(i), in introductory provisions, struck out “but not later than the 60th day following the date of enactment of the Aviation and Transportation Security Act” after “practicable” and substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (e)(4). Pub. L. 115-254, §1991(d)(1)(D)(ii), substituted “Administrator” for “Under Secretary”.

Subsec. (f). Pub. L. 115-254, §1991(d)(1)(E), struck out “after the date of enactment of the Aviation and Transportation Security Act” before period at end.

Subsec. (g)(1). Pub. L. 115-254, §1991(d)(1)(F)(i), substituted “The” for “Not later than 3 years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the”.

Subsec. (g)(2). Pub. L. 115-254, §1991(d)(1)(F)(ii), substituted “baggage,” for “baggage as follows:

“(A) 50 percent of such cargo is so screened not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.

“(B) 100 percent of such cargo is so screened not later than 3 years after such date of enactment.”

Subsec. (g)(3). Pub. L. 115-254, §1991(d)(1)(F)(iii), amended par. (3) generally. Prior to amendment, par. (3) related to the issuance by the Secretary of Homeland Security of an interim final rule and a final rule implementing subsec. (g).

Subsec. (g)(4), (5). Pub. L. 115-254, §1991(d)(1)(F)(iv), (v), redesignated par. (5) as (4) and struck out former par. (4). Prior to amendment, text of par. (4) read as follows: “Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall submit to the Committees referred to in paragraph (3)(B)(ii) a report that describes the system.”

Subsec. (h)(1). Pub. L. 115-254, §1991(d)(1)(G)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (h)(2). Pub. L. 115-254, §1991(d)(1)(G)(ii), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” in first sentence, and “Administrator” for “Under Secretary” in two places in second sentence.

Subsec. (i). Pub. L. 115-254, §1991(d)(1)(H)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” in introductory provisions.

Subsec. (i)(2). Pub. L. 115-254, §1991(d)(1)(H)(ii), substituted “Administrator” for “Under Secretary”.

Subsec. (j)(1). Pub. L. 115-254, §1991(d)(1)(I)(i), substituted “The” for “Before January 1, 2008, the” in introductory provisions.

Subsec. (j)(1)(A). Pub. L. 115-254, §1991(d)(1)(I)(ii), substituted “August 3, 2007” for “the date of enactment of this subsection”.

Subsec. (k)(1). Pub. L. 115-254, §1991(d)(1)(J)(i), substituted “The” for “Not later than one year after the date of enactment of this subsection, the” in introductory provisions.

Subsec. (k)(2). Pub. L. 115-254, §1991(d)(1)(J)(ii), substituted “The” for “Not later than 6 months after the date of enactment of this subsection, the”.

Subsec. (k)(3). Pub. L. 115-254, §1991(d)(1)(J)(iii), substituted “The” for “Not later than 180 days after the date of enactment of this subsection, the” in introductory provisions.

Subsec. (l)(2). Pub. L. 115-254, §1991(d)(1)(K)(i)(I), substituted “The Administrator of the Transportation Security Administration” for “Beginning June 1, 2012, the Assistant Secretary of Homeland Security (Transportation Security Administration)” in introductory provisions.

Subsec. (l)(2)(B). Pub. L. 115-254, §1991(d)(1)(K)(i)(II), substituted “Administrator” for “Assistant Secretary”.

Subsec. (l)(3)(A). Pub. L. 115-254, §1991(d)(1)(K)(ii)(I), substituted “Administrator of the Transportation Security Administration may extend” for “Assistant Secretary may extend” and “Administrator determines” for “Assistant Secretary determines” in introductory provisions.

Subsec. (l)(3)(B). Pub. L. 115-254, §1991(d)(1)(K)(ii)(II), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary”.

Subsec. (l)(4)(A). Pub. L. 115-254, §1991(d)(1)(K)(iii)(I), struck out “60 days after the deadline specified in paragraph (2), and not later than” after “Not later than” and substituted “Administrator of the Transportation Security Administration issues” for “Assistant Secretary issues” and “Administrator shall” for “Assistant Secretary shall”.

Subsec. (l)(4)(B)(i), (iii)(II). Pub. L. 115-254, §1991(d)(1)(K)(iii)(II), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary”.

2016—Subsec. (d)(4)(C), (D). Pub. L. 114-125 added subpar. (C) and redesignated former subpar. (C) as (D).

2012—Subsec. (d). Pub. L. 112-218, §2(b), which directed substitution of “explosives” for “explosive” wherever appearing in this section, was executed in subsec. (d) by making such substitution wherever appearing in text as well as by substituting “Explosives” for “Explosive” in heading, to reflect the probable intent of Congress.

Subsec. (d)(4). Pub. L. 112-218, §2(a), added par. (4).

Subsec. (e). Pub. L. 112-218, §2(b), substituted “explosives” for “explosive” in introductory provisions and in par. (3).

Subsec. (l). Pub. L. 112-95 added subsec. (l).

2007—Subsecs. (g) to (i). Pub. L. 110-53, §1602(a), added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

Subsec. (j). Pub. L. 110-53, §1609, added subsec. (j).

Subsec. (k). Pub. L. 110-53, §1617, added subsec. (k).

2002—Subsec. (d)(2), (3). Pub. L. 107-296 added pars. (2) and (3).

2001—Subsec. (a). Pub. L. 107-71, §110(b)(2), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “The Administrator of the Federal Aviation Administration shall prescribe regulations requiring screening of all passengers and property that will be carried in a cabin of an aircraft in air transportation or intrastate air transportation. The screening must take place before boarding and be carried out by a weapon-detecting facility or procedure used or operated by an employee or agent of an air carrier, intrastate air carrier, or foreign air carrier.”

Subsec. (b). Pub. L. 107-71, §110(b)(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “Notwithstanding subsection (a) of this section, the Administrator may amend a regulation prescribed under subsection (a) to require screening only to ensure security against criminal violence and aircraft piracy in air transportation and intrastate air transportation.”

Subsec. (c). Pub. L. 107-71, §110(b)(2), added subsec. (c). Former subsec. (c) redesignated (h).

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions and par. (2).

Subsecs. (d) to (g). Pub. L. 107-71, §110(b)(2), added subsecs. (d) to (g).

Subsec. (h). Pub. L. 107-71, §110(b)(1), redesignated subsec. (c) as (h).

#### Statutory Notes and Related Subsidiaries

##### 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.

##### SAVINGS PROVISION

Pub. L. 107-71, title I, §141, Nov. 19, 2001, 115 Stat. 643, provided that:

“(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act [see Tables for classification], those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Transportation Security Administration by this Act shall be transferred to the Transportation Security Administration for use in connection with the functions transferred. Unexpended balances of appropriations, allocations, and other funds made available to the Federal Aviation Administration to carry out such functions shall also be transferred to the Transportation Security Administration for use in connection with the functions transferred.

“(b) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

“(1) that have been issued, made, granted, or allowed to become effective by the Federal Aviation Administration, any officer or employee thereof, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act; and

“(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration], any other authorized official, a court of competent jurisdiction, or operation of law.

“(c) PROCEEDINGS.—

“(1) IN GENERAL.—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Federal Aviation Administration at the time this Act takes effect [Nov. 19, 2001], insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

“(2) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

“(3) ORDERLY TRANSFER.—The Secretary of Transportation is authorized to provide for the orderly transfer of pending proceedings from the Federal Aviation Administration.

“(d) SUITS.—

“(1) IN GENERAL.—This Act shall not affect suits commenced before the date of the enactment of this Act [Nov. 19, 2001], except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

“(2) SUITS BY OR AGAINST FAA.—Any suit by or against the Federal Aviation Administration begun before the date of the enactment of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Transportation Security Administration (to the extent the suit involves functions transferred to the Transportation Security Administration under this Act) substituted for the Federal Aviation Administration.

“(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Transportation Security Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

“(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Aviation Administration shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

“(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Transportation Security Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

“(g) ACT DEFINED.—In this section, the term ‘Act’ includes the amendments made by this Act.”

##### TRANSITION PROVISIONS

Pub. L. 107-71, title I, §101(g), Nov. 19, 2001, 115 Stat. 603, provided that:

“(1) SCHEDULE FOR ASSUMPTION OF CIVIL AVIATION SECURITY FUNCTIONS.—Not later than 3 months after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall assume civil aviation security functions and responsibilities under chapter 449 of title 49, United States Code, as amended by this Act, in accordance with a schedule to be developed by the Secretary of Transportation, in consultation with air carriers, foreign air carriers, and the Administrator of the Federal Aviation Administration. The Under Secretary shall publish an appropriate notice of the transfer of such security functions and responsibilities before assuming the functions and responsibilities.

“(2) ASSUMPTION OF CONTRACTS.—As of the date specified in paragraph (1), the Under Secretary may assume the rights and responsibilities of an air carrier or foreign air carrier contract for provision of passenger screening services at airports in the United States described in section 44903(c), subject to payment of adequate compensation to parties to the contract, if any.

“(3) ASSIGNMENT OF CONTRACTS.—

“(A) IN GENERAL.—Upon request of the Under Secretary, an air carrier or foreign air carrier carrying out a screening or security function under chapter 449 of title 49, United States Code, may enter into an agreement with the Under Secretary to transfer any contract the carrier has entered into with respect to carrying out the function, before the Under Secretary assumes responsibility for the function.

“(B) SCHEDULE.—The Under Secretary may enter into an agreement under subparagraph (A) as soon as possible, but not later than 90 days after the date of enactment of this Act [Nov. 19, 2001]. The Under Secretary may enter into such an agreement for one 180-day period and may extend such agreement for one 90-day period if the Under Secretary determines it necessary.

“(4) TRANSFER OF OWNERSHIP.—In recognition of the assumption of the financial costs of security screening of passengers and property at airports, and as soon as practical after the date of enactment of this Act [Nov. 19, 2001], air carriers may enter into agreements with the Under Secretary to transfer the ownership, at no cost to the United States Government, of any personal property, equipment, supplies, or other material associated with such screening, regardless of the source of funds used to acquire the property, that the Secretary determines to be useful for the performance of security screening of passengers and property at airports.

“(5) PERFORMANCE OF UNDER SECRETARY’S FUNCTIONS DURING INTERIM PERIOD.—Until the Under Secretary takes office, the functions of the Under Secretary that relate to aviation security may be carried out by the Secretary or the Secretary’s designee.”

#### TSA REACHING ACROSS NATIONALITIES, SOCIETIES, AND LANGUAGES TO ADVANCE TRAVELER EDUCATION

Pub. L. 117–263, div. G, title LXXI, § 7131, Dec. 23, 2022, 136 Stat. 3644, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Administrator of the Transportation Security Administration (TSA) shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to ensure that TSA material disseminated in major airports can be better understood by more people accessing such airports.

“(b) CONTENTS.—The plan required under subsection (a) shall include the following:

“(1) An identification of the most common languages other than English that are the primary languages of individuals that travel through or work in each major airport.

“(2) A plan to improve—

“(A) TSA materials to communicate information in languages identified pursuant to paragraph (1); and

“(B) the communication of TSA material to individuals with vision or hearing impairments or other possible barriers to understanding such material.

“(c) CONSIDERATIONS.—In developing the plan required under subsection (a), the Administrator of the TSA, acting through the Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement of the TSA, shall take into consideration data regarding the following:

“(1) International enplanements.

“(2) Local populations surrounding major airports.

“(3) Languages spoken by members of Indian Tribes within each service area population in which a major airport is located.

“(d) IMPLEMENTATION.—Not later than 180 days after the submission of the plan required under subsection (a), the Administrator of the TSA, in consultation with the owner or operator of each major airport, shall implement such plan.

“(e) GAO REVIEW.—Not later than one year after the implementation pursuant to subsection (d) of the plan required under subsection (a), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of such implementation.

“(f) DEFINITIONS.—In this section:

“(1) AIRPORT.—The term ‘airport’ has the meaning given such term in section 40102 of title 49, United States Code.

“(2) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130), individually identified (including parenthetically) in the list published most recently as of the date of the enactment of this Act [Dec. 23, 2022] pursuant to section 104 of that Act (25 U.S.C. 5131).

“(3) MAJOR AIRPORTS.—The term ‘major airports’ means Category X and Category I airports.

“(4) NON-TRAVELING INDIVIDUAL.—The term ‘non-traveling individual’ has the meaning given such term in section 1560.3 of title 49, Code of Federal Regulations.

“(5) TSA MATERIAL.—The term ‘TSA material’ means signs, videos, audio messages, websites, press releases, social media postings, and other communications published and disseminated by the Administrator of the TSA in Category X and Category I airports for use by both traveling and non-traveling individuals.”

#### ONE-STOP PILOT PROGRAM

Pub. L. 117–263, div. G, title LXXI, § 7132, Dec. 23, 2022, 136 Stat. 3645, provided that:

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Transportation Security Administration.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Homeland Security and Committee on Foreign Affairs of the House of Representatives; and

“(B) the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations of the Senate.

“(3) TSA.—The term ‘TSA’ means the Transportation Security Administration of the Department of Homeland Security.

“(b) IMPLEMENTATION.—Notwithstanding [section] 44901(a) of title 49, United States Code, the Administrator, in coordination with the Commissioner of U.S. Customs and Border Protection and the Secretary of State, may implement a pilot program at not more than six foreign last point of departure airports to permit passengers and their accessible property arriving on direct flights or flight segments originating at such participating foreign airports to continue on additional



flights or flight segments originating in the United States without additional security re-screening if—

“(1) the initial screening was conducted in accordance with an aviation security screening agreement described in subsection (e);

“(2) passengers arriving from participating foreign airports are unable to access their checked baggage until the arrival at their final destination; and

“(3) upon arrival in the United States, passengers arriving from participating foreign airports do not come into contact with other arriving international passengers, those passengers’ property, or other persons who have not been screened or subjected to other appropriate security controls required for entry into the airport’s sterile area.

“(c) REQUIREMENTS FOR PILOT PROGRAM.—In carrying out this section, the Administrator shall ensure that there is no reduction in the level of security or specific TSA aviation security standards or requirements for screening passengers and their property prior to boarding an international flight bound for the United States, including specific aviation security standards and requirements regarding the following:

“(1) High risk passengers and their property.

“(2) Weapons, explosives, and incendiaries.

“(3) Screening passengers and property transferring at a foreign last point of departure airport from another airport and bound for the United States, and addressing any commingling of such passengers and property with passengers and property screened under the pilot program described in subsection (b).

“(4) Insider risk at foreign last point of departure airports.

“(d) RE-SCREENING OF CHECKED BAGGAGE.—Subject to subsection (f), the Administrator may determine whether checked baggage arriving from participating foreign airports referenced in subsection (b) that screen using an explosives detection system must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

“(e) AVIATION SECURITY SCREENING AGREEMENT.—

“(1) IN GENERAL.—An aviation security screening agreement described in this subsection is a treaty, executive agreement, or non-binding instrument entered into with a foreign country that delineates and implements security standards and protocols utilized at a foreign last point of departure airport that are determined by the Administrator—

“(A) to be comparable to those of the United States; and

“(B) sufficiently effective to enable passengers and their accessible property to deplane into sterile areas of airports in the United States without the need for re-screening.

“(2) NON-DELEGATION.—The authority to approve an aviation security screening agreement may not be delegated below the level of the Secretary of State, the Secretary of Homeland Security, or the Administrator.

“(f) RE-SCREENING REQUIREMENT.—

“(1) IN GENERAL.—If the Administrator determines that a foreign country participating in the aviation security screening agreement has not maintained and implemented security standards and protocols comparable to those of the United States at foreign last point of departure airports at which a pilot program has been established in accordance with this section, the Administrator shall ensure that passengers and their property arriving from such airports are re-screened in the United States, including by using explosives detection systems in accordance with section 44901(d)(1) of title 49, United States Code, and implementing regulations and directives, before such passengers and their property are permitted into sterile areas of airports in the United States.

“(2) CONSULTATION.—If the Administrator has reasonable grounds to believe the other party to an aviation security screening agreement has not complied with such agreement, the Administrator shall request immediate consultation with such party.

“(3) SUSPENSION OR TERMINATION OF AGREEMENT.—If a satisfactory resolution between TSA and a foreign country is not reached within 45 days after a consultation request under paragraph (2) or in the case of the foreign country’s continued or egregious failure to maintain the security standards and protocols described in paragraph (1), the President, or with the concurrence of the Secretary of State, the Secretary of Homeland Security or the Administrator, as appropriate, shall suspend or terminate the aviation security screening agreement with such country, as determined appropriate by the President, the Secretary of Homeland Security, or the Administrator. The Administrator shall notify the appropriate congressional committees of such consultation and suspension or termination, as the case may be, not later than seven days after such consultation and suspension or termination.

“(g) BRIEFINGS TO CONGRESS.—Not later than 45 days before an aviation security screening agreement described in subsection (e) enters into force, the Administrator, in coordination with the Secretary of State, shall submit to the appropriate congressional committees the following:

“(1) An aviation security threat assessment for the country in which such foreign last point of departure airport is located.

“(2) Information regarding any corresponding mitigation efforts to address any security issues identified in such threat assessment, including any plans for joint covert testing.

“(3) Information on potential security vulnerabilities associated with commencing a pilot program at such foreign last point of departure airport pursuant to subsection (b) and mitigation plans to address such potential security vulnerabilities.

“(4) An assessment of the impacts such pilot program will have on aviation security.

“(5) An assessment of the screening performed at such foreign last point of departure airport, including the feasibility of TSA personnel monitoring screening, security protocols, and standards.

“(6) Information regarding identifying the entity or entities responsible for screening passengers and property at such foreign last point of departure airport.

“(7) The name of the entity or local authority and any contractor or subcontractor.

“(8) Information regarding the screening requirements relating to such aviation security screening agreement.

“(9) Details regarding information sharing mechanisms between the TSA and such foreign last point of departure airport, screening authority, or entity responsible for screening provided for under such aviation security screening agreement.

“(10) A copy of the aviation security screening agreement, which shall identify the foreign last point of departure airport or airports at which a pilot program under this section is to be established.

“(h) CERTIFICATIONS RELATING TO THE PILOT PROGRAM FOR ONE-STOP SECURITY.—For each aviation security screening agreement described in subsection (e), the Administrator, in coordination with the Secretary of State, shall submit to the appropriate congressional committees the following:

“(1)(A) A certification that such agreement satisfies all of the requirements specified in subsection (c); or

“(B) in the event that one or more of such requirements are not so satisfied, a description of the unsatisfied requirement and information on what actions the Administrator will take to ensure that such remaining requirements are satisfied before such agreement enters into force.

“(2) A certification that TSA and U.S. Customs and Border Protection have ensured that any necessary physical modifications or appropriate mitigations exist in the domestic one-stop security pilot program airport prior to receiving international passengers

from a last point of departure airport under the aviation security screening agreement.

“(3) A certification that a foreign last point of departure airport covered by an aviation security screening agreement has an operation to screen all checked bags as required by law, regulation, or international agreement, including the full utilization of explosives detection systems to the extent applicable.

“(4) A certification that the Administrator consulted with stakeholders, including air carriers, aviation nonprofit labor organizations, airport operators, relevant interagency partners, and other stakeholders that the Administrator determines appropriate.

“(i) REPORT TO CONGRESS.—Not later than five years after the date of the enactment of this Act [Dec. 23, 2022], the Secretary of Homeland Security, in coordination with the Administrator, shall submit to the appropriate congressional committees a report regarding the implementation of the pilot program authorized under this section, including information relating to the following:

“(1) The impact of such program on homeland security and international aviation security, including any benefits and challenges of such program.

“(2) The impact of such program on passengers, airports, and air carriers, including any benefits and challenges of such program.

“(3) The impact and feasibility of continuing such program or expanding it into a more permanent program, including any benefits and challenges of such continuation or expansion.

“(j) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of U.S. Customs and Border Protection to inspect persons and baggage arriving in the United States in accordance with applicable law.

“(k) SUNSET.—The pilot program authorized under this section shall terminate on the date that is six years after the date of the enactment of this Act.”

#### PLAN TO REDUCE THE SPREAD OF CORONAVIRUS AT PASSENGER SCREENING CHECKPOINTS

Pub. L. 117-81, div. F, title LXIV, § 6415, Dec. 27, 2021, 135 Stat. 2413, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 27, 2021], the Administrator, in coordination with the Chief Medical Officer of the Department of Homeland Security, and in consultation with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, shall issue and commence implementing a plan to enhance, as appropriate, security operations at airports during the COVID-19 national emergency in order to reduce risk of the spread of the coronavirus at passenger screening checkpoints and among the TSA workforce.

“(b) CONTENTS.—The plan required under subsection (a) shall include the following:

“(1) An identification of best practices developed and screening technologies deployed in response to the coronavirus among foreign governments, airports, and air carriers conducting aviation security screening operations, as well as among Federal agencies conducting similar security screening operations outside of airports, including in locations where the spread of the coronavirus has been successfully contained, that could be further integrated into the United States aviation security system.

“(2) Specific operational changes to aviation security screening operations informed by the identification of best practices and screening technologies under paragraph (1) that could be implemented without degrading aviation security and a corresponding timeline and costs for implementing such changes.

“(c) CONSIDERATIONS.—In carrying out the identification of best practices under subsection (b), the Administrator shall take into consideration the following:

“(1) Aviation security screening procedures and practices in place at security screening locations, in-

cluding procedures and practices implemented in response to the coronavirus.

“(2) Volume and average wait times at each such security screening location.

“(3) Public health measures already in place at each such security screening location.

“(4) The feasibility and effectiveness of implementing similar procedures and practices in locations where such are not already in place.

“(5) The feasibility and potential benefits to security, public health, and travel facilitation of continuing any procedures and practices implemented in response to the COVID-19 national emergency beyond the end of such emergency.

“(d) CONSULTATION.—In developing the plan required under subsection (a), the Administrator may consult with public and private stakeholders and the TSA workforce, including through the labor organization certified as the exclusive representative of full- and part-time nonsupervisory TSA personnel carrying out screening functions under section 44901 of title 49, United States Code.

“(e) SUBMISSION.—Upon issuance of the plan required under subsection (a), the Administrator shall submit the plan to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(f) ISSUANCE AND IMPLEMENTATION.—The Administrator shall not be required to issue or implement, as the case may be, the plan required under subsection (a) upon the termination of the COVID-19 national emergency except to the extent the Administrator determines such issuance or implementation, as the case may be, to be feasible and beneficial to security screening operations.

“(g) GAO REVIEW.—Not later than one year after the issuance of the plan required under subsection (a) (if such plan is issued in accordance with subsection (f)), the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review, if appropriate, of such plan and any efforts to implement such plan.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘Administrator’ means the Administrator of the Transportation Security Administration.

“(2) The term ‘coronavirus’ has the meaning given such term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123) [134 Stat. 155].

“(3) The term ‘COVID-19 national emergency’ means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) on March 13, 2020, with respect to the coronavirus.

“(4) The term ‘public and private stakeholders’ has the meaning given such term in section 114(t)(1)(C) of title 49, United States Code.

“(5) The term ‘TSA’ means the Transportation Security Administration.”

#### SCREENING OUTSIDE PRIMARY PASSENGER TERMINAL SCREENING AREA PILOT PROGRAM

Pub. L. 116-6, div. A, title II, § 225, Feb. 15, 2019, 133 Stat. 25, as amended by Pub. L. 116-260, div. F, title II, § 223, Dec. 27, 2020, 134 Stat. 1459; Pub. L. 117-328, div. F, title II, § 222, Dec. 29, 2022, 136 Stat. 4737, provided that:

“(a) Subject to the provisions of this section, the Administrator of the Transportation Security Administration (hereafter in this section referred to as ‘the Administrator’) may conduct a pilot program to provide screening services outside of an existing primary passenger terminal screening area where screening services are currently provided or would be eligible to be provided under the Transportation Security Administration’s annually appropriated passenger screening program as a primary passenger terminal screening area.

“(b) Any request for screening services under subsection (a) shall be initiated only at the request of a public or private entity regulated by the Transportation Security Administration; shall be made in writing to the Administrator; and may only be submitted to the Transportation Security Administration after consultation with the relevant local airport authority.

“(c) The Administrator may provide the requested screening services under subsection (a) if the Administrator provides a certification to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate that implementation of subsection (a) does not reduce the security or efficiency of screening services already provided in primary passenger terminals at any impacted airports.

“(d) No screening services may be provided under subsection (a) unless the requesting entity agrees in writing to the scope of the screening services to be provided, and agrees to compensate the Transportation Security Administration for all reasonable personnel and non-personnel costs, including overtime, of providing the screening services.

“(e) The authority available under this section is effective for fiscal years 2019 through 2025 and may be utilized at not more than eight locations for transportation security purposes.

“(f) Notwithstanding any other provision of law, an airport authority, air carrier, or other requesting entity shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to—

“(1) an airport authority’s or other entity’s decision to request that the Transportation Security Administration provide passenger screening services outside of a primary passenger terminal screening area; or

“(2) any act of negligence, gross negligence, or intentional wrongdoing by employees of the Transportation Security Administration providing passenger and property security screening services at a pilot program screening location.

“(g) Notwithstanding any other provision of law, any compensation received by the Transportation Security Administration under subsection (d) shall be credited to the account used to finance the provision of reimbursable security screening services under subsection (a).

“(h) The Administrator shall submit to the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate—

“(1) an implementation plan for the pilot programs under subsection (a), including the application process, that is due by 90 days after the date of enactment of this Act [Feb. 15, 2019];

“(2) an evaluation plan for the pilot programs; and

“(3) annual performance reports, by not later than 60 days after the end of each fiscal year in which the pilot programs are in operation, including—

“(A) the amount of reimbursement received by the Transportation Security Administration from each entity in the pilot program for the preceding fiscal year, delineated by personnel and non-personnel costs;

“(B) an analysis of the results of the pilot programs corresponding to the evaluation plan required under paragraph (2);

“(C) any Transportation Security Administration staffing changes created at the primary passenger screening checkpoints and baggage screening as a result of the pilot program; and

“(D) any other unintended consequences created by the pilot program.

“(i) Except as otherwise provided in this section, nothing in this section may be construed as affecting in

any manner the responsibilities, duties, or authorities of the Transportation Security Administration.

“(j) For the purposes of this section, the term ‘airport’ means a commercial service airport as defined by section 47107(7) of title 49[,] United States Code.

“(k) For the purposes of this section, the term ‘screening services’ means the screening of passengers, flight crews, and their carry-on baggage and personal articles, and may include checked baggage screening if that type of screening is performed at an offsite location that is not part of a passenger terminal of a commercial airport.

“(l) For the purpose of this section, the term ‘primary passenger terminal screening area’ means the security checkpoints relied upon by airports as the principal points of entry to a sterile area of an airport.”

#### RECIPROCAL RECOGNITION OF SECURITY STANDARDS

Pub. L. 115-254, div. K, title I, §1914, Oct. 5, 2018, 132 Stat. 3555, provided that:

“(a) IN GENERAL.—The Administrator [of the Transportation Security Administration], in coordination with appropriate international aviation security authorities, shall develop a validation process for the reciprocal recognition of security equipment technology approvals among international security partners or recognized certification authorities for deployment.

“(b) REQUIREMENT.—The validation process shall ensure that the certification by each participating international security partner or recognized certification authority complies with detection, qualification, and information security, including cybersecurity, standards of the TSA [Transportation Security Administration], the Department of Homeland Security, and the National Institute of Standards and Technology.”

#### REAL-TIME SECURITY CHECKPOINT WAIT TIMES

Pub. L. 115-254, div. K, title I, §1922, Oct. 5, 2018, 132 Stat. 3561, provided that:

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall make available to the public information on wait times at each airport security checkpoint at which security screening operations are conducted or overseen by the TSA [Transportation Security Administration].

“(b) REQUIREMENTS.—The information described in subsection (a) shall be provided in real time via technology and published—

“(1) online; and

“(2) in physical locations at applicable airport terminals.

“(c) CONSIDERATIONS.—The Administrator shall only make the information described in subsection (a) available to the public if it can do so in a manner that does not increase public area security risks.

“(d) DEFINITION OF WAIT TIME.—In this section, the term ‘wait time’ means the period beginning when a passenger enters a queue for a screening checkpoint and ending when that passenger exits the checkpoint.”

#### SCREENING TECHNOLOGY REVIEW AND PERFORMANCE OBJECTIVES

Pub. L. 115-254, div. K, title I, §1924, Oct. 5, 2018, 132 Stat. 3562, provided that:

“(a) REVIEW OF TECHNOLOGY ACQUISITIONS PROCESS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in coordination with relevant officials of the Department [of Homeland Security], shall conduct a review of existing advanced transportation security screening technology testing and evaluation, acquisitions, and procurement practices within TSA [Transportation Security Administration].

“(2) CONTENTS.—Such review shall include—

“(A) identifying process delays and obstructions within the Department and the Administration re-

garding how such technology is identified, tested and evaluated, acquired, and deployed;

“(B) assessing whether the TSA can better leverage existing resources or processes of the Department for the purposes of technology testing and evaluation;

“(C) assessing whether the TSA can further encourage innovation and competition among technology stakeholders, including through increased participation of and funding for small business concerns (as such term is described under section 3 of the Small Business Act (15 U.S.C. 632));

“(D) identifying best practices of other Department components or United States Government entities; and

“(E) a plan to address any problems or challenges identified by such review.

“(b) BRIEFING.—The Administrator shall provide to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a briefing on the findings of the review required under this section and a plan to address any problems or challenges identified by such review.

“(c) ACQUISITIONS AND PROCUREMENT ENHANCEMENT.—Incorporating the results of the review in subsection (a), the Administrator shall—

“(1) engage in outreach, coordination, and collaboration with transportation stakeholders to identify and foster innovation of new advanced transportation security screening technologies;

“(2) streamline the overall technology development, testing, evaluation, acquisitions, procurement, and deployment processes of the Administration; and

“(3) ensure the effectiveness and efficiency of such processes.

“(d) ASSESSMENT.—The Secretary [of Homeland Security], in consultation with the Chief Privacy Officer of the Department, shall submit to the appropriate committees of Congress a compliance assessment of the TSA acquisition process relating to the health and safety risks associated with implementation of screening technologies.

“(e) PERFORMANCE OBJECTIVES.—The Administrator shall establish performance objectives for the testing and verification of security technology, including testing and verification conducted by appropriate third parties under section 1911 [49 U.S.C. 114 note], to ensure that progress is made, at a minimum, toward—

“(1) reducing time for each phase of testing while maintaining security (including testing for detection testing, operational testing, testing and verification framework, and field testing);

“(2) eliminating testing and verification delays; and

“(3) increasing accountability.

“(f) TRACKING.—

“(1) IN GENERAL.—In carrying out subsection (e), the Administrator shall establish and continually track performance metrics for each type of security technology submitted for testing and verification, including testing and verification conducted by appropriate third parties under section 1911.

“(2) MEASURING PROGRESS TOWARD GOALS.—The Administrator shall use the metrics established and tracked under paragraph (1) to generate data on an ongoing basis and to measure progress toward the achievement of the performance objectives established under subsection (e).

“(3) REPORT REQUIRED.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report assessing the extent to which the performance objectives established under subsection (e), as measured by the performance metrics established and tracked under paragraph (1) of this subsection, have been met.

“(B) ELEMENTS.—The report required by subparagraph (A) shall include—

“(i) a list of the performance metrics established under paragraph (1), including the length of time for each phase of testing and verification for each type of security technology; and

“(ii) a comparison of the progress achieved for testing and verification of security technology conducted by the TSA and the testing and verification of security technology conducted by third parties.

“(C) PROPRIETARY INFORMATION.—The report required by subparagraph (A) shall—

“(i) not include identifying information regarding an individual or entity or equipment; and

“(ii) protect proprietary information.

“(g) INFORMATION TECHNOLOGY SECURITY.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a plan to conduct recurring reviews of the operational, technical, and management security controls for Administration information technology systems at airports.”

#### COMPUTED TOMOGRAPHY PILOT PROGRAMS

Pub. L. 115-254, div. K, title I, §1925, Oct. 5, 2018, 132 Stat. 3563, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall carry out a pilot program to test the use of screening equipment using computed tomography technology to screen baggage at passenger screening checkpoints at airports.

“(b) FEASIBILITY STUDY.—

“(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator, in coordination with the Under Secretary for Science and Technology of the Department [of Homeland Security], shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a feasibility study regarding expanding the use of computed tomography technology for the screening of air cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation, interstate air transportation, or interstate air commerce.

“(2) CONSIDERATIONS.—In conducting the feasibility study under paragraph (1), the Administrator shall consider the following:

“(A) Opportunities to leverage computed tomography systems used for screening passengers and baggage.

“(B) Costs and benefits of using computed tomography technology for screening air cargo.

“(C) An analysis of emerging computed tomography systems that may have potential to enhance the screening of air cargo, including systems that may address aperture challenges associated with screening certain categories of air cargo.

“(D) An analysis of emerging screening technologies, in addition to computed tomography, that may be used to enhance the screening of air cargo.

“(c) PILOT PROGRAM.—Not later than 120 days after the date the feasibility study is submitted under subsection (b), the Administrator shall initiate a 2-year pilot program to achieve enhanced air cargo security screening outcomes through the use of new or emerging screening technologies, such as computed tomography technology, as identified through such study.

“(d) UPDATES.—Not later than 60 days after the date the pilot program under subsection (c) is initiated, and biannually thereafter for 2 years, the Administrator shall brief the appropriate committees of Congress on the progress of implementation of such pilot program.

“(e) DEFINITIONS.—In this section:

“(1) AIR CARRIER.—The term ‘air carrier’ has the meaning given the term in section 40102 of title 49, United States Code.

“(2) AIR TRANSPORTATION.—The term ‘air transportation’ has the meaning given the term in section 40102 of title 49, United States Code.

“(3) FOREIGN AIR CARRIER.—The term ‘foreign air carrier’ has the meaning given the term in section 40102 of title 49, United States Code.

“(4) INTERSTATE AIR COMMERCE.—The term ‘interstate air commerce’ has the meaning given the term in section 40102 of title 49, United States Code.

“(5) INTERSTATE AIR TRANSPORTATION.—The term ‘interstate air transportation’ has the meaning given the term in section 40102 of title 49, United States Code.”

#### SCREENING PERFORMANCE ASSESSMENTS

Pub. L. 115-254, div. K, title I, §1947, Oct. 5, 2018, 132 Stat. 3587, provided that: “Subject to part 1520 of title 49, Code of Federal Regulations, the Administrator [of the Transportation Security Administration] shall quarterly make available to the airport director of an airport—

“(1) an assessment of the screening performance of that airport compared to the mean average performance of all airports in the equivalent airport category for screening performance data; and

“(2) a briefing on the results of performance data reports, including—

“(A) a scorecard of objective metrics developed by the Office of Security Operations to measure screening performance, such as results of annual proficiency reviews and covert testing, at the appropriate level of classification; and

“(B) other performance data, including—

“(i) passenger throughput;

“(ii) wait times; and

“(iii) employee attrition, absenteeism, injury rates, and any other human capital measures collected by the TSA [Transportation Security Administration].”

#### IMPROVEMENTS FOR SCREENING OF PASSENGERS WITH DISABILITIES

Pub. L. 115-254, div. K, title I, §1950, Oct. 5, 2018, 132 Stat. 3589, provided that:

“(a) REVISED TRAINING.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in consultation with nationally-recognized veterans and disability organizations, shall revise the training requirements for Transportation Security Officers related to the screening of passengers with disabilities, including passengers with disabilities who participate in the PreCheck program.

“(2) TRAINING SPECIFICATIONS.—In revising the training requirements under paragraph (1), the Administrator shall address the proper screening, and any particular sensitivities related to the screening, of a passenger with a disability—

“(A) traveling with a medical device, including an indwelling medical device;

“(B) traveling with a prosthetic;

“(C) traveling with a wheelchair, walker, scooter, or other mobility device;

“(D) traveling with a service animal; or

“(E) with sensitivities to touch, pressure, sound, or hypersensitivity to stimuli in the environment.

“(3) TRAINING FREQUENCY.—The Administrator shall implement the revised training under paragraph (1) during initial and recurrent training of all Transportation Security Officers.

“(b) BEST PRACTICES.—The individual at the TSA [Transportation Security Administration] responsible for civil rights, liberties, and traveler engagement shall—

“(1) record each complaint from a passenger with a disability regarding the screening practice of the TSA;

“(2) identify the most frequent concerns raised, or accommodations requested, in the complaints;

“(3) determine the best practices for addressing the concerns and requests identified in paragraph (2); and

“(4) recommend appropriate training based on such best practices.

“(c) SIGNAGE.—At each category X airport, the TSA shall place signage at each security checkpoint that—

“(1) specifies how to contact the appropriate TSA employee at the airport designated to address complaints of screening mistreatment based on disability; and

“(2) describes how to receive assistance from that individual or other qualified personnel at the security screening checkpoint.

“(d) REPORTS TO CONGRESS.—Not later than September 30 of the first full fiscal year after the date of enactment of this Act [Oct. 5, 2018], and each fiscal year thereafter, the Administrator shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report on the checkpoint experiences of passengers with disabilities, including the following:

“(1) The number and most frequent types of disability-related complaints received.

“(2) The best practices recommended under subsection (b) to address the top areas of concern.

“(3) The estimated wait times for assist requests for passengers with disabilities, including disabled passengers who participate in the PreCheck program.”

#### AIR CARGO ADVANCE SCREENING PROGRAM

Pub. L. 115-254, div. K, title I, §1951, Oct. 5, 2018, 132 Stat. 3590, provided that:

“(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection and the Administrator [of the Transportation Security Administration], consistent with the requirements of the Trade Act of 2002 (Public Law 107-210)[,] shall—

“(1) establish an air cargo advance screening program (referred to in this section as the ‘ACAS Program’) for the collection of advance electronic information from air carriers and other persons within the supply chain regarding cargo being transported to the United States by air;

“(2) under such program, require that such information be transmitted by such air carriers and other persons at the earliest point practicable prior to loading of such cargo onto an aircraft destined to or transiting through the United States;

“(3) establish appropriate communications systems with freight forwarders, shippers, and air carriers;

“(4) establish a system that will allow freight forwarders, shippers, and air carriers to provide shipment level data for air cargo, departing from any location that is inbound to the United States; and

“(5) identify opportunities in which the information furnished in compliance with the ACAS Program could be used by the Administrator.

“(b) INSPECTION OF HIGH-RISK CARGO.—Under the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall ensure that all cargo that has been identified as high-risk is inspected—

“(1) prior to the loading of such cargo onto aircraft at the last point of departure; or

“(2) at an earlier point in the supply chain, before departing for the United States.

“(c) CONSULTATION.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall consult with relevant stakeholders, as appropriate, to ensure that an operationally feasible and practical approach to—

“(1) the collection of advance information with respect to cargo on aircraft departing for the United States is applied; and

“(2) the inspection of high-risk cargo recognizes the significant differences among air cargo business models and modes of transportation.

“(d) ANALYSIS.—The Commissioner of U.S. Customs and Border Protection and the Administrator may analyze the information described in subsection (a) in the Department of Homeland Security’s automated targeting system and integrate such information with other intelligence to enhance the accuracy of the risk assessment process under the ACAS Program.

“(e) NO DUPLICATION.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall carry out this section in a manner that, after the ACAS Program is fully in effect, ensures, to the greatest extent practicable, that the ACAS Program does not duplicate other Department [of Homeland Security] programs or requirements relating to the submission of air cargo data or the inspection of high-risk cargo.

“(f) CONSIDERATION OF INDUSTRY.—In carrying out the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall—

“(1) consider the content and timeliness of the available data may vary among entities in the air cargo industry and among countries;

“(2) explore procedures to accommodate the variations described in paragraph (1) while maximizing the contribution of such data to the risk assessment process under the ACAS Program;

“(3) test the business processes, technologies, and operational procedures required to provide advance information with respect to cargo on aircraft departing for the United States and carry out related inspection of high-risk cargo, while ensuring delays and other negative impacts on vital supply chains are minimized; and

“(4) consider the cost, benefit, and feasibility before establishing any set time period for submission of certain elements of the data for air cargo under this section in line with the regulatory guidelines specified in Executive Order 13563 [5 U.S.C. 601 note] or any successor Executive order or regulation.

“(g) GUIDANCE.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall provide guidance for participants in the ACAS Program regarding the requirements for participation, including requirements for transmitting shipment level data.

“(h) USE OF DATA.—The Commissioner of U.S. Customs and Border Protection and the Administrator shall use the data provided under the ACAS Program for targeting shipments for screening and aviation security purposes only.

“(i) FINAL RULE.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Commissioner of U.S. Customs and Border Protection, in coordination with the Administrator, shall issue a final regulation to implement the ACAS Program to include the electronic transmission to U.S. Customs and Border Protection of data elements for targeting cargo, including appropriate security elements of shipment level data.

“(j) REPORT.—Not later than 180 days after the date of the commencement of the ACAS Program, the Commissioner of U.S. Customs and Border Protection and the Administrator shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report detailing the operational implementation of providing advance information under the ACAS Program and the value of such information in targeting cargo.”

#### RAISING INTERNATIONAL STANDARDS

Pub. L. 115–254, div. K, title I, §1955(c), Oct. 5, 2018, 132 Stat. 3596, provided that: “Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall collaborate with other aviation authorities and the United States Ambassador or the Charge d’Affaires to the United States Mission to the International Civil Aviation Organization, as applicable, to

advance a global standard for each international airport to document and track the removal and disposal of any security screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.”

#### INTERNATIONAL SECURITY STANDARDS

Pub. L. 115–254, div. K, title I, §1956, Oct. 5, 2018, 132 Stat. 3596, provided that:

“(a) GLOBAL AVIATION SECURITY REVIEW.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in coordination with the Commissioner of the U.S. Customs and Border Protection, the Director of the Office of International Engagement of the Department of Homeland Security, and the Secretary of State, shall conduct a global aviation security review to improve aviation security standards, including standards intended to mitigate cybersecurity threats, across the global aviation system.

“(2) BEST PRACTICES.—The global aviation security review shall establish best practices regarding the following:

“(A) Collaborating with foreign partners to improve global aviation security capabilities and standards.

“(B) Identifying foreign partners that—

“(i) have not successfully implemented security protocols from the International Civil Aviation Organization or the Department of Homeland Security; and

“(ii) have not taken steps to implement such security protocols;]

“(C) Improving the development, outreach, and implementation process for security directives or emergency amendments issued to domestic and foreign air carriers.

“(D) Assessing the cybersecurity risk of security screening equipment.

“(b) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, the Administrator, in consultation with the United States Ambassador to the International Civil Aviation Organization, shall notify the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives of the progress of the review under subsection (a) and any proposed international improvements to aviation security.

“(c) ICAO.—Subject to subsection (a), the Administrator and Ambassador shall take such action at the International Civil Aviation Organization as the Administrator and Ambassador consider necessary to advance aviation security improvement proposals, including if practicable, introducing a resolution to raise minimum standards for aviation security.

“(d) BRIEFINGS TO CONGRESS.—Beginning not later than 180 days after the date of enactment of this Act, and periodically thereafter, the Administrator, in consultation with the Ambassador with respect to subsection (c), shall brief the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate, and the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives on the implementation of subsections (a) and (b).”

#### CARRIAGE OF WEAPONS, EXPLOSIVES, AND INCENDIARIES BY INDIVIDUALS

Pub. L. 115–254, div. K, title I, §1962, Oct. 5, 2018, 132 Stat. 3601, provided that:

“(a) INTERPRETIVE RULE.—Subject to subsections (b) and (c), the Administrator [of the Transportation Security Administration] shall periodically review and amend, as necessary, the interpretive rule (68 Fed. Reg. 7444) that provides guidance to the public on the types of property considered to be weapons, explosives, and

incendiaries prohibited under section 1540.111 of title 49, Code of Federal Regulations.

“(b) CONSIDERATIONS.—Before determining whether to amend the interpretive rule to include or remove an item from the prohibited list, the Administrator shall—

“(1) research and evaluate—

“(A) the impact, if any, the amendment would have on security risks;

“(B) the impact, if any, the amendment would have on screening operations, including effectiveness and efficiency; and

“(C) whether the amendment is consistent with international standards and guidance, including of the International Civil Aviation Organization; and

“(2) consult with appropriate aviation security stakeholders, including ASAC [Aviation Security Advisory Committee].

“(c) EXCEPTIONS.—Except for plastic or round bladed butter knives, the Administrator may not amend the interpretive rule described in subsection (a) to authorize any knife to be permitted in an airport sterile area or in the cabin of an aircraft.

“(d) NOTIFICATION.—The Administrator shall—

“(1) publish in the Federal Register any amendment to the interpretive rule described in subsection (a); and

“(2) notify the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] of the amendment not later than 3 days before publication under paragraph (1).”

#### CONSIDERATION OF PRIVACY AND CIVIL LIBERTIES

Pub. L. 115-141, div. F, title V, §521, Mar. 23, 2018, 132 Stat. 628, provided that: “Hereafter, in developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers’ and crews’ privacy and civil liberties consistent with applicable laws, regulations, and guidance.”

#### BOTTLES AND BREASTFEEDING EQUIPMENT SCREENING

Pub. L. 114-293, Dec. 16, 2016, 130 Stat. 1503, provided that:

##### “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Bottles and Breastfeeding Equipment Screening Act’.

##### “SEC. 2. TSA SECURITY SCREENING GUIDELINES FOR BABY FORMULA, BREAST MILK, PURIFIED DEIONIZED WATER FOR INFANTS, AND JUICE ON AIRPLANES; TRAINING ON SPECIAL PROCEDURES.

“Not later than 90 days after the date of the enactment of this Act [Dec. 16, 2016], the Administrator of the Transportation Security Administration shall—

“(1) notify air carriers and security screening personnel of the Transportation Security Administration and personnel of private security companies providing security screening pursuant to section 44920 of title 49, United States Code, of such Administration’s guidelines regarding permitting baby formula, breast milk, purified deionized water for infants, and juice on airplanes under the Administration’s guidelines known as the 3-1-1 Liquids Rule Exemption; and

“(2) in training procedures for security screening personnel of the Administration and private security companies providing security screening pursuant to section 44920 of title 49, United States Code, include training on special screening procedures.”

#### AVIATION SECURITY

Pub. L. 114-190, title III, §§3001-3506, July 15, 2016, 130 Stat. 649-664, as amended by Pub. L. 115-254, div. K, title I, §§1937(b)(1), 1955(b), Oct. 5, 2018, 132 Stat. 3579, 3596, provided that:

##### “SEC. 3001. SHORT TITLE.

“This title [amending section 44946 of this title and sections 607, 609, and 1112 of Title 6, Domestic Security, and enacting this note] may be cited as the ‘Aviation Security Act of 2016’.

##### “SEC. 3002. DEFINITIONS.

“In this title:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Transportation Security Administration.

“(2) DEPARTMENT.—The term ‘Department’ means the Department of Homeland Security.

“(3) PRECHECK PROGRAM.—The term ‘PreCheck Program’ means the trusted traveler program implemented by the Transportation Security Administration under section 109(a)(3) of the Aviation and Transportation Security Act (Public Law 107-71; 49 U.S.C. 114 note).

“(4) TSA.—The term ‘TSA’ means the Transportation Security Administration.

“[SUBTITLE A—TSA PRECHECK EXPANSION]

“[SECS. 3101, 3102. Repealed. Pub. L. 115-254, div. K, title I, §1937(b)(1), Oct. 5, 2018, 132 Stat. 3579.]

##### “SUBTITLE B—SECURING AVIATION FROM FOREIGN ENTRY POINTS AND GUARDING AIRPORTS THROUGH ENHANCED SECURITY

##### “SEC. 3201. LAST POINT OF DEPARTURE AIRPORT SECURITY ASSESSMENT.

“(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [July 15, 2016], the Administrator shall conduct a comprehensive security risk assessment of all last point of departure airports with nonstop flights to the United States.

“(b) CONTENTS.—The security risk assessment required under subsection (a) shall include consideration of the following:

“(1) The level of coordination and cooperation between the TSA and the foreign government of the country in which the last point of departure airport with nonstop flights to the United States is located.

“(2) The intelligence and threat mitigation capabilities of the country in which such airport is located.

“(3) The number of known or suspected terrorists annually transiting through such airport.

“(4) The degree to which the foreign government of the country in which such airport is located mandates, encourages, or prohibits the collection, analysis, and sharing of passenger name records.

“(5) The passenger security screening practices, capabilities, and capacity of such airport.

“(6) The security vetting undergone by aviation workers at such airport.

“(7) The access controls utilized by such airport to limit to authorized personnel access to secure and sterile areas of such airports.

##### “SEC. 3202. SECURITY COORDINATION ENHANCEMENT PLAN.

“(a) IN GENERAL.—Not later than 240 days after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to Congress and the Government Accountability Office a plan—

“(1) to enhance and bolster security collaboration, coordination, and information sharing relating to securing international-inbound aviation between the United States and domestic and foreign partners, including U.S. Customs and Border Protection, foreign government entities, passenger air carriers, cargo air carriers, and United States Government entities, in order to enhance security capabilities at foreign airports, including airports that may not have nonstop flights to the United States but are nonetheless determined by the Administrator to be high risk; and

“(2) that includes an assessment of the ability of the TSA to enter into a mutual agreement with a foreign government entity that permits TSA representa-

tives to conduct without prior notice inspections of foreign airports.

“(b) GAO REVIEW.—Not later than 180 days after the submission of the plan required under subsection (a), the Comptroller General of the United States shall review the efforts, capabilities, and effectiveness of the TSA to enhance security capabilities at foreign airports and determine if the implementation of such efforts and capabilities effectively secures international-inbound aviation.

“SEC. 3203. WORKFORCE ASSESSMENT.

“Not later than 270 days after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to Congress a comprehensive workforce assessment of all TSA personnel within the Office of Global Strategies of the TSA or whose primary professional duties contribute to the TSA’s global efforts to secure transportation security, including a review of whether such personnel are assigned in a risk-based, intelligence-driven manner.

“[SEC. 3204. Repealed. Pub. L. 115–254, div. K, title I, § 1955(b), Oct. 5, 2018, 132 Stat. 3596.]

“SEC. 3205. NATIONAL CARGO SECURITY PROGRAM.

“(a) IN GENERAL.—The Administrator may evaluate foreign countries’ air cargo security programs to determine whether such programs provide a level of security commensurate with the level of security required by United States air cargo security programs.

“(b) APPROVAL AND RECOGNITION.—

“(1) IN GENERAL.—If the Administrator determines that a foreign country’s air cargo security program evaluated under subsection (a) provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator shall approve and officially recognize such foreign country’s air cargo security program.

“(2) EFFECT OF APPROVAL AND RECOGNITION.—If the Administrator approves and officially recognizes pursuant to paragraph (1) a foreign country’s air cargo security program, an aircraft transporting cargo that is departing such foreign country shall not be required to adhere to United States air cargo security programs that would otherwise be applicable.

“(c) REVOCATION AND SUSPENSION.—

“(1) IN GENERAL.—If the Administrator determines at any time that a foreign country’s air cargo security program approved and officially recognized under subsection (b) no longer provides a level of security commensurate with the level of security required by United States air cargo security programs, the Administrator may revoke or temporarily suspend such approval and official recognition until such time as the Administrator determines that such foreign country’s cargo security programs provide a level of security commensurate with the level of security required by such United States air cargo security programs.

“(2) NOTIFICATION.—If the Administrator revokes or suspends pursuant to paragraph (1) a foreign country’s air cargo security program, the Administrator shall notify the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after such revocation or suspension.

“(d) APPLICATION.—This section shall apply irrespective of whether cargo is transported on an aircraft of an air carrier, a foreign air carrier, a cargo carrier, or a foreign cargo carrier.

“SEC. 3206. INTERNATIONAL TRAINING AND CAPACITY DEVELOPMENT.

“(a) IN GENERAL.—The Administrator shall establish an international training and capacity development program to train the appropriate authorities of foreign governments in air transportation security.

“(b) CONTENTS OF TRAINING.—If the Administrator determines that a foreign government would benefit from

training and capacity development assistance pursuant to subsection (a), the Administrator may provide to the appropriate authorities of such foreign government technical assistance and training programs to strengthen aviation security in managerial, operational, and technical areas, including—

“(1) active shooter scenarios;

“(2) incident response;

“(3) use of canines;

“(4) mitigation of insider threats;

“(5) perimeter security;

“(6) operation and maintenance of security screening technology; and

“(7) recurrent related training and exercises.

“SUBTITLE C—CHECKPOINT OPTIMIZATION AND EFFICIENCY

“SEC. 3301. SENSE OF CONGRESS.

“It is the sense of Congress that airport checkpoint wait times should not take priority over the security of the aviation system of the United States.

“SEC. 3302. ENHANCED STAFFING ALLOCATION MODEL.

“(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall complete an assessment of the TSA’s staffing allocation model to determine the necessary staffing positions at all airports in the United States at which the TSA operates passenger checkpoints.

“(b) APPROPRIATE STAFFING.—The staffing allocation model described in subsection (a) shall be based on necessary staffing levels to maintain minimal passenger wait times and maximum security effectiveness.

“(c) ADDITIONAL RESOURCES.—In assessing necessary staffing for minimal passenger wait times and maximum security effectiveness referred to in subsection (b), the Administrator shall include the use of canine explosives detection teams and technology to assist screeners conducting security checks.

“(d) TRANSPARENCY.—The Administrator shall share with aviation security stakeholders the staffing allocation model described in subsection (a), as appropriate.

“(e) EXCHANGE OF INFORMATION.—The Administrator shall require each Federal Security Director to engage on a regular basis with the appropriate aviation security stakeholders to exchange information regarding airport operations, including security operations.

“(f) GAO REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall review the staffing allocation model described in subsection (a) and report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of such review.

“SEC. 3303. EFFECTIVE UTILIZATION OF STAFFING RESOURCES.

“(a) IN GENERAL.—To the greatest extent practicable, the Administrator shall direct that Transportation Security Officers with appropriate certifications and training are assigned to passenger and baggage security screening functions and that other TSA personnel who may not have certification and training to screen passengers or baggage are utilized for tasks not directly related to security screening, including restocking bins and providing instructions and support to passengers in security lines.

“(b) ASSESSMENT AND REASSIGNMENT.—The Administrator shall conduct an assessment of headquarters personnel and reassign appropriate personnel to assist with airport security screening activities on a permanent or temporary basis, as appropriate.

“SEC. 3304. TSA STAFFING AND RESOURCE ALLOCATION.

“(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall take the following actions:



“(1) Utilize the TSA’s Behavior Detection Officers for passenger and baggage security screening, including the verification of traveler documents, particularly at designated PreCheck Program lanes to ensure that such lanes are operational for use and maximum efficiency.

“(2) Make every practicable effort to grant additional flexibility and authority to Federal Security Directors in matters related to checkpoint and checked baggage staffing allocation and employee overtime in furtherance of maintaining minimal passenger wait times and maximum security effectiveness.

“(3) Disseminate to aviation security stakeholders and appropriate TSA personnel a list of checkpoint optimization best practices.

“(4) Request the Aviation Security Advisory Committee (established pursuant to section 44946 of title 49, United States Code) provide recommendations on best practices for checkpoint security operations optimization.

“(b) STAFFING ADVISORY COORDINATION.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall—

“(1) direct each Federal Security Director to coordinate local representatives of aviation security stakeholders to establish a staffing advisory working group at each airport at which the TSA oversees or performs passenger security screening to provide recommendations to the Administrator on Transportation Security Officer staffing numbers, for each such airport; and

“(2) certify to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that such staffing advisory working groups have been established.

“(c) REPORTING.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall—

“(1) report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding how the TSA’s Passenger Screening Canine assets may be deployed and utilized for maximum efficiency to mitigate risk and optimize checkpoint operations; and

“(2) report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of the TSA’s Credential Authentication Technology Assessment program and how deployment of such program might optimize checkpoint operations.

“SEC. 3305. AVIATION SECURITY STAKEHOLDERS DEFINED.

“For purposes of this subtitle, the term ‘aviation security stakeholders’ shall mean, at a minimum, air carriers, airport operators, and labor organizations representing Transportation Security Officers or, where applicable, contract screeners.

“SEC. 3306. RULE OF CONSTRUCTION.

“Nothing in this subtitle may be construed as authorizing or directing the Administrator to prioritize reducing wait times over security effectiveness.

“SUBTITLE D—AVIATION SECURITY ENHANCEMENT AND OVERSIGHT

“SEC. 3401. DEFINITIONS.

“In this subtitle:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Homeland Security of the House of Representatives;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(C) the Committee on Commerce, Science, and Transportation of the Senate.

“(2) ASAC.—The term ‘ASAC’ means the Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(4) SIDA.—The term ‘SIDA’ means the Secure Identification Display Area as such term is defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section.

“SEC. 3402. THREAT ASSESSMENT.

“(a) INSIDER THREATS.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall conduct or update an assessment to determine the level of risk posed to the domestic air transportation system by individuals with unescorted access to a secure area of an airport (as such term is defined in section 44903(j)(2)(H)) in light of recent international terrorist activity.

“(2) CONSIDERATIONS.—In conducting or updating the assessment under paragraph (1), the Administrator shall consider—

“(A) domestic intelligence;

“(B) international intelligence;

“(C) the vulnerabilities associated with unescorted access authority granted to domestic airport operators and air carriers, and their workers;

“(D) the vulnerabilities associated with unescorted access authority granted to foreign airport operators and air carriers, and their workers;

“(E) the processes and practices designed to mitigate the vulnerabilities associated with unescorted access privileges granted to airport operators and air carriers, and their workers;

“(F) the recent security breaches at domestic and foreign airports; and

“(G) the recent security improvements at domestic airports, including the implementation of recommendations made by relevant advisory committees, including the ASAC.

“(b) REPORTS.—The Administrator shall submit to the appropriate congressional committees—

“(1) a report on the results of the assessment under subsection (a), including any recommendations for improving aviation security;

“(2) a report on the implementation status of any recommendations made by the ASAC; and

“(3) regular updates about the insider threat environment as new information becomes available or as needed.

“SEC. 3403. OVERSIGHT.

“(a) ENHANCED REQUIREMENTS.—

“(1) IN GENERAL.—Subject to public notice and comment, and in consultation with airport operators, the Administrator shall update the rules on access controls issued by the Secretary under chapter 449 of title 49, United States Code.

“(2) CONSIDERATIONS.—As part of the update under paragraph (1), the Administrator shall consider—

“(A) increased fines and advanced oversight for airport operators that report missing more than five percent of credentials for unescorted access to any SIDA of an airport;

“(B) best practices for Category X airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

“(C) additional audits and status checks for airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

“(D) review and analysis of the prior five years of audits for airport operators that report missing more than three percent of credentials for unescorted access to any SIDA of an airport;

“(E) increased fines and direct enforcement requirements for both airport workers and their employers that fail to report within 24 hours an em-

ployment termination or a missing credential for unescorted access to any SIDA of an airport; and

“(F) a method for termination by the employer of any airport worker who fails to report in a timely manner missing credentials for unescorted access to any SIDA of an airport.

“(b) TEMPORARY CREDENTIALS.—The Administrator may encourage the issuance by airports and aircraft operators of free, one-time, 24-hour temporary credentials for workers who have reported, in a timely manner, their credentials missing, but not permanently lost, stolen, or destroyed, until replacement of credentials under section 1542.211 of title 49 Code of Federal Regulations is necessary.

“(c) NOTIFICATION AND REPORT TO CONGRESS.—The Administrator shall—

“(1) notify the appropriate congressional committees each time an airport operator reports that more than three percent of credentials for unescorted access to any SIDA at a Category X airport are missing, or more than five percent of credentials to access any SIDA at any other airport are missing; and

“(2) submit to the appropriate congressional committees an annual report on the number of violations and fines related to unescorted access to the SIDA of an airport collected in the preceding fiscal year.

“SEC. 3404. CREDENTIALS.

“(a) LAWFUL STATUS.—Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall issue to airport operators guidance regarding placement of an expiration date on each airport credential issued to a non-United States citizen that is not longer than the period of time during which such non-United States citizen is lawfully authorized to work in the United States.

“(b) REVIEW OF PROCEDURES.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall—

“(A) issue guidance for transportation security inspectors to annually review the procedures of airport operators and air carriers for applicants seeking unescorted access to any SIDA of an airport; and

“(B) make available to airport operators and air carriers information on identifying suspicious or fraudulent identification materials.

“(2) INCLUSIONS.—The guidance issued pursuant to paragraph (1) shall require a comprehensive review of background checks and employment authorization documents issued by United States Citizenship and Immigration Services during the course of a review of procedures under such paragraph.

“SEC. 3405. VETTING.

“(a) ELIGIBILITY REQUIREMENTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [July 15, 2016], and subject to public notice and comment, the Administrator shall revise the regulations issued under section 44936 of title 49, United States Code, in accordance with this section and current knowledge of insider threats and intelligence under section 3502, to enhance the eligibility requirements and disqualifying criminal offenses for individuals seeking or having unescorted access to any SIDA of an airport.

“(2) DISQUALIFYING CRIMINAL OFFENSES.—In revising the regulations under paragraph (1), the Administrator shall consider adding to the list of disqualifying criminal offenses and criteria the offenses and criteria listed in section 122.183(a)(4) of title 19, Code of Federal Regulations and section 1572.103 of title 49, Code of Federal Regulations.

“(3) WAIVER PROCESS FOR DENIED CREDENTIALS.—Notwithstanding section 44936(b) of title 49, United States Code, in revising the regulations under paragraph (1) of this subsection, the Administrator shall—

“(A) ensure there exists or is developed a waiver process for approving the issuance of credentials for unescorted access to any SIDA of an airport for an

individual found to be otherwise ineligible for such credentials; and

“(B) consider, as appropriate and practicable—

“(i) the circumstances of any disqualifying act or offense, restitution made by the individual, Federal and State mitigation remedies, and other factors from which it may be concluded that the individual does not pose a terrorism risk or a risk to aviation security warranting denial of the credential; and

“(ii) the elements of the appeals and waiver process established under section 70105(c) of title 46, United States Code.

“(4) LOOK BACK.—In revising the regulations under paragraph (1), the Administrator shall propose that an individual be disqualified if the individual was convicted, or found not guilty by reason of insanity, of a disqualifying criminal offense within 15 years before the date of an individual’s application, or if the individual was incarcerated for such crime and released from incarceration within five years before the date of the individual’s application.

“(5) CERTIFICATIONS.—The Administrator shall require an airport or aircraft operator, as applicable, to certify for each individual who receives unescorted access to any SIDA of an airport that—

“(A) a specific need exists for providing the individual with unescorted access authority; and

“(B) the individual has certified to the airport or aircraft operator that the individual understands the requirements for possessing a SIDA badge.

“(6) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the status of the revision to the regulations issued under section 44936 of title 49, United States Code, in accordance with this section.

“(7) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect existing aviation worker vetting fees imposed by the TSA.

“(b) RECURRENT VETTING.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Administrator and the Director of the Federal Bureau of Investigation shall fully implement the Rap Back service for recurrent vetting of eligible TSA-regulated populations of individuals with unescorted access to any SIDA of an airport.

“(2) REQUIREMENTS.—As part of the requirement in paragraph (1), the Administrator shall ensure that—

“(A) any status notifications the TSA receives through the Rap Back service about criminal offenses be limited to only disqualifying criminal offenses in accordance with the regulations promulgated by the TSA under section 44903 of title 49, United States Code, or other Federal law; and

“(B) any information received by the Administration through the Rap Back service is provided directly and immediately to the relevant airport and aircraft operators.

“(3) REPORT TO CONGRESS.—Not later than 30 days after implementation of the Rap Back service described in paragraph (1), the Administrator shall submit to the appropriate congressional committees a report on the such implementation.

“(c) ACCESS TO TERRORISM-RELATED DATA.—Not later than 30 days after the date of the enactment of this Act, the Administrator and the Director of National Intelligence shall coordinate to ensure that the Administrator is authorized to receive automated, real-time access to additional Terrorist Identities Datamart Environment (TIDE) data and any other terrorism-related category codes to improve the effectiveness of the TSA’s credential vetting program for individuals who are seeking or have unescorted access to any SIDA of an airport.

“(d) ACCESS TO E-VERIFY AND SAVE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall authorize each airport op-

erator to have direct access to the E-Verify program and the Systematic Alien Verification for Entitlements (SAVE) automated system to determine the eligibility of individuals seeking unescorted access to any SIDA of an airport.

“SEC. 3406. METRICS.

“(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act [July 15, 2016], the Administrator shall develop and implement performance metrics to measure the effectiveness of security for the SIDAs of airports.

“(b) CONSIDERATIONS.—In developing the performance metrics under subsection (a), the Administrator may consider—

- “(1) adherence to access point procedures;
- “(2) proper use of credentials;
- “(3) differences in access point requirements between airport workers performing functions on the airside of an airport and airport workers performing functions in other areas of an airport;
- “(4) differences in access point characteristics and requirements at airports; and
- “(5) any additional factors the Administrator considers necessary to measure performance.

“SEC. 3407. INSPECTIONS AND ASSESSMENTS.

“(a) MODEL AND BEST PRACTICES.—Not later than 180 days after the date of the enactment of this Act [July 15, 2016], the Administrator, in consultation with the ASAC, shall develop a model and best practices for unescorted access security that—

- “(1) use intelligence, scientific algorithms, and risk-based factors;
- “(2) ensure integrity, accountability, and control;
- “(3) subject airport workers to random physical security inspections conducted by TSA representatives in accordance with this section;
- “(4) appropriately manage the number of SIDA access points to improve supervision of and reduce unauthorized access to SIDAs; and
- “(5) include validation of identification materials, such as with biometrics.

“(b) INSPECTIONS.—Consistent with a risk-based security approach, the Administrator shall expand the use of transportation security officers and inspectors to conduct enhanced, random and unpredictable, data-driven, and operationally dynamic physical inspections of airport workers in each SIDA of an airport and at each SIDA access point to—

- “(1) verify the credentials of such airport workers;
- “(2) determine whether such airport workers possess prohibited items, except for those items that may be necessary for the performance of such airport workers’ duties, as appropriate, in any SIDA of an airport; and
- “(3) verify whether such airport workers are following appropriate procedures to access any SIDA of an airport.

“(c) SCREENING REVIEW.—

“(1) IN GENERAL.—The Administrator shall conduct a review of airports that have implemented additional airport worker screening or perimeter security to improve airport security, including—

- “(A) comprehensive airport worker screening at access points to secure areas;
- “(B) comprehensive perimeter screening, including vehicles;
- “(C) enhanced fencing or perimeter sensors; and
- “(D) any additional airport worker screening or perimeter security measures the Administrator identifies.

“(2) BEST PRACTICES.—After completing the review under paragraph (1), the Administrator shall—

- “(A) identify best practices for additional access control and airport worker security at airports; and
- “(B) disseminate to airport operators the best practices identified under subparagraph (A).

“(3) PILOT PROGRAM.—The Administrator may conduct a pilot program at one or more airports to test and validate best practices for comprehensive airport

worker screening or perimeter security under paragraph (2).

“SEC. 3408. COVERT TESTING.

“(a) IN GENERAL.—The Administrator shall increase the use of red-team, covert testing of access controls to any secure areas of an airport.

“(b) ADDITIONAL COVERT TESTING.—The Inspector General of the Department of Homeland Security shall conduct red-team, covert testing of airport access controls to the SIDAs of airports.

“(c) REPORTS TO CONGRESS.—

“(1) ADMINISTRATOR REPORT.—Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall submit to the appropriate congressional committees a report on the progress to expand the use of inspections and of red-team, covert testing under subsection (a).

“(2) INSPECTOR GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appropriate congressional committees a report on the effectiveness of airport access controls to the SIDAs of airports based on red-team, covert testing under subsection (b).

“SEC. 3409. SECURITY DIRECTIVES.

“(a) REVIEW.—Not later than 180 days after the date of the enactment of this Act [July 15, 2016] and annually thereafter, the Administrator, in consultation with the appropriate regulated entities, shall conduct a comprehensive review of every current security directive addressed to any regulated entity to—

- “(1) determine whether each such security directive continues to be relevant;
- “(2) determine whether such security directives should be streamlined or consolidated to most efficiently maximize risk reduction; and
- “(3) update, consolidate, or revoke any security directive as necessary.

“(b) NOTICE.—For each security directive that the Administrator issues, the Administrator shall submit to the appropriate congressional committees notice of—

- “(1) the extent to which each such security directive responds to a specific threat, security threat assessment, or emergency situation against civil aviation; and
- “(2) when it is anticipated that each such security directive will expire.

“SEC. 3410. IMPLEMENTATION REPORT.

“Not later than one year after the date of the enactment of this Act [July 15, 2016], the Comptroller General of the United States shall—

- “(1) assess the progress made by the TSA and the effect on aviation security of implementing the requirements under sections 3402 through 3409 of this subtitle; and
- “(2) report to the appropriate congressional committees on the results of the assessment under paragraph (1), including any recommendations.

“SEC. 3411. MISCELLANEOUS AMENDMENTS.

“(a) ASAC TERMS OF OFFICE.—[Amended section 44946 of this title.]

“(b) FEEDBACK.—[Amended section 44946 of this title.]

“SUBTITLE E—CHECKPOINTS OF THE FUTURE

“SEC. 3501. CHECKPOINTS OF THE FUTURE.

“(a) IN GENERAL.—The Administrator, in accordance with chapter 449 of title 49, United States Code, shall request the Aviation Security Advisory Committee (established pursuant to section 44946 of such title) to develop recommendations for more efficient and effective passenger screening processes.

“(b) CONSIDERATIONS.—In making recommendations to improve existing passenger screening processes, the Aviation Security Advisory Committee shall consider—

- “(1) the configuration of a checkpoint;
- “(2) technology innovation;
- “(3) ways to address any vulnerabilities identified in audits of checkpoint operations;

“(4) ways to prevent security breaches at airports at which Federal security screening is provided;

“(5) best practices in aviation security;

“(6) recommendations from airports and aircraft operators, and any relevant advisory committees; and

“(7) ‘curb to curb’ processes and procedures.

“(c) REPORT.—Not later than one year after the date of enactment of this Act [July 15, 2016], the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the Aviation Security Advisory Committee review under this section, including any recommendations for improving passenger screening processes.

“SEC. 3502. PILOT PROGRAM FOR INCREASED EFFICIENCY AND SECURITY AT CATEGORY X AIRPORTS.

“(a) IN GENERAL.—The Administrator shall establish a pilot program at at least three and not more than six airports to reconfigure and install security systems that increase efficiency and reduce vulnerabilities in airport terminals, particularly at airports that have large open areas at which screening is conducted.

“(b) SELECTION OF AIRPORTS.—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

“(1) select airports from among airports classified by the TSA as Category X airports and that are able to begin the reconfiguration and installation of security systems expeditiously; and

“(2) give priority to an airport that—

“(A) submits a proposal that seeks Federal funding for reconfiguration of such airport’s security systems;

“(B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and

“(C) is able to enter into a cost-sharing arrangement with the TSA under which such airport will provided [sic] funding towards the cost of such pilot program.

“SEC. 3503. PILOT PROGRAM FOR THE DEVELOPMENT AND TESTING OF PROTOTYPES FOR AIRPORT SECURITY SYSTEMS.

“(a) IN GENERAL.—The Administrator shall establish a pilot program at three airports to develop and test prototypes of screening security systems and security checkpoint configurations that are intended to expedite the movement of passengers by deploying a range of technologies, including passive and active systems, new types of security baggage and personal screening systems, and new systems to review and address passenger and baggage anomalies.

“(b) SELECTION OF AIRPORTS.—In selecting airports for the pilot program established under subsection (a), the Administrator shall—

“(1) select airports from among airports classified by the TSA as Category X airports that are able to begin the reconfiguration and installation of security systems expeditiously;

“(2) consider detection capabilities; and

“(3) give priority to an airport that—

“(A) submits a proposal that seeks Federal funding to test prototypes for new airport security systems;

“(B) has the space needed to reduce vulnerabilities and reconfigure existing security systems; and

“(C) is able to enter into a cost-sharing arrangement with the TSA under which such airport will provided [sic] funding towards the cost of such pilot program.

“SEC. 3504. REPORT REQUIRED.

“Not later than 90 days after the date of the enactment of this Act [July 15, 2016], the Administrator shall submit to the Committee on Homeland Security of the

House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and a report on the pilot programs established under sections 3502 and 3503 of this subtitle.

“SEC. 3505. FUNDING.

“The Administrator shall carry out the pilot programs established under sections 3502 and 3503 of this subtitle using amounts—

“(1) appropriated to the TSA before the date of the enactment of this Act [July 15, 2016] and available for obligation as of such date of enactment; and

“(2) amounts obtained as reimbursements from airports under such pilot programs.

“SEC. 3506. ACCEPTANCE AND PROVISION OF RESOURCES BY THE TRANSPORTATION SECURITY ADMINISTRATION.

“The Administrator, in carrying out the functions of the pilot programs established under sections 3502 and 3503 of this subtitle, may accept services, supplies, equipment, personnel, or facilities, without reimbursement, from any other public or private entity.”

PROTECTION OF PASSENGER PLANES FROM EXPLOSIVES

Pub. L. 110-53, title XVI, §1610, Aug. 3, 2007, 121 Stat. 484, provided that:

“(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—

“(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall expedite research and development programs for technologies that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall be used in support of implementation of section 44901 of title 49, United States Code.

“(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—

“(A) to deploy technologies described in paragraph (1); and

“(B) to test technologies to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.”

STANDARDS FOR INCREASING THE USE OF EXPLOSIVE DETECTION EQUIPMENT

Pub. L. 109-295, title V, §518, Oct. 4, 2006, 120 Stat. 1380, provided that: “The Secretary of Homeland Security, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 109-90, title V, §524, Oct. 18, 2005, 119 Stat. 2086.

USE OF EXISTING EQUIPMENT TO SCREEN PASSENGER CARGO; REPORTS

Pub. L. 109-90, title V, §525, Oct. 18, 2005, 119 Stat. 2086, as amended by Pub. L. 114-113, div. F, title V, §510(c), Dec. 18, 2015, 129 Stat. 2514, provided that: “The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: *Provided*, That beginning with November 2005, TSA shall provide a monthly report to the Committees on Appropriations of the Senate and the House

of Representatives detailing, by airport, the amount of cargo carried on passenger aircraft that was screened by TSA in August 2005 and each month.”

#### IN-LINE CHECKED BAGGAGE SCREENING

Pub. L. 108-458, title IV, § 4019(a), (b), Dec. 17, 2004, 118 Stat. 3721, provided that:

“(a) IN-LINE BAGGAGE SCREENING EQUIPMENT.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to expedite the installation and use of in-line baggage screening equipment at airports at which screening is required by section 44901 of title 49, United States Code.

“(b) SCHEDULE.—Not later than 180 days after the date of enactment of this Act [Dec. 17, 2004], the Assistant Secretary shall submit to the appropriate congressional committees a schedule to expedite the installation and use of in-line baggage screening equipment at such airports, with an estimate of the impact that such equipment, facility modification, and baggage conveyor placement will have on staffing needs and levels related to aviation security.”

#### CHECKED BAGGAGE SCREENING AREA MONITORING

Pub. L. 108-458, title IV, § 4020, Dec. 17, 2004, 118 Stat. 3722, provided that:

“(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide, subject to the availability of funds, assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2005 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.”

#### PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS

Pub. L. 108-458, title IV, § 4051, Dec. 17, 2004, 118 Stat. 3728, directed the Assistant Secretary of Homeland Security (Transportation Security Administration), beginning not later than 180 days after Dec. 17, 2004, to carry out a pilot program to evaluate the use of blast-resistant containers for cargo and baggage on passenger aircraft to minimize the potential effects of detonation of an explosive device, and directed the Assistant Secretary to provide incentives to air carriers to volunteer to participate in such program.

#### AIR CARGO SECURITY

Pub. L. 108-458, title IV, § 4052, Dec. 17, 2004, 118 Stat. 3728, provided that:

“(a) AIR CARGO SCREENING TECHNOLOGY.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop technology to better identify, track, and screen air cargo.

“(b) IMPROVED AIR CARGO AND AIRPORT SECURITY.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any amounts otherwise authorized by law, for the purpose of improving aviation security related to the transportation of cargo on both passenger aircraft and all-cargo aircraft—

“(1) \$200,000,000 for fiscal year 2005;

“(2) \$200,000,000 for fiscal year 2006; and

“(3) \$200,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

“(c) RESEARCH, DEVELOPMENT, AND DEPLOYMENT.—To carry out subsection (a), there is authorized to be ap-

propriated to the Secretary, in addition to any amounts otherwise authorized by law, for research and development related to enhanced air cargo security technology as well as for deployment and installation of enhanced air cargo security technology—

“(1) \$100,000,000 for fiscal year 2005;

“(2) \$100,000,000 for fiscal year 2006; and

“(3) \$100,000,000 for fiscal year 2007.

Such sums shall remain available until expended.

“(d) ADVANCED CARGO SECURITY GRANTS.—

“(1) IN GENERAL.—The Secretary shall establish and carry out a program to issue competitive grants to encourage the development of advanced air cargo security technology, including use of innovative financing or other means of funding such activities. The Secretary may make available funding for this purpose from amounts appropriated pursuant to subsection (c).

“(2) ELIGIBILITY CRITERIA, ETC.—The Secretary shall establish such eligibility criteria, establish such application and administrative procedures, and provide for such matching funding requirements, if any, as may be necessary and appropriate to ensure that the technology is deployed as fully and rapidly as possible.”

#### IDENTIFICATION STANDARDS

Pub. L. 108-458, title VII, § 7220, Dec. 17, 2004, 118 Stat. 3835, provided that:

“(a) PROPOSED STANDARDS.—

“(1) IN GENERAL.—The Secretary of Homeland Security—

“(A) shall propose minimum standards for identification documents required of domestic commercial airline passengers for boarding an aircraft; and

“(B) may, from time to time, propose minimum standards amending or replacing standards previously proposed and transmitted to Congress and approved under this section.

“(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act [Dec. 17, 2004], the Secretary shall submit the standards under paragraph (1)(A) to the Senate and the House of Representatives on the same day while each House is in session.

“(3) EFFECTIVE DATE.—Any proposed standards submitted to Congress under this subsection shall take effect when an approval resolution is passed by the House and the Senate under the procedures described in subsection (b) and becomes law.

“(b) CONGRESSIONAL APPROVAL PROCEDURES.—

“(1) RULEMAKING POWER.—This subsection is enacted by Congress—

“(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of such approval resolutions; and it supersedes other rules only to the extent that they are inconsistent therewith; and

“(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

“(2) APPROVAL RESOLUTION.—For the purpose of this subsection, the term ‘approval resolution’ means a joint resolution of Congress, the matter after the resolving clause of which is as follows: ‘That the Congress approves the proposed standards issued under section 7220 of the 9/11 Commission Implementation Act of 2004, transmitted by the President to the Congress on \_\_\_\_\_’, the blank space being filled in with the appropriate date.

“(3) INTRODUCTION.—Not later than the first day of session following the day on which proposed standards are transmitted to the House of Representatives and the Senate under subsection (a), an approval resolution—

“(A) shall be introduced (by request) in the House by the Majority Leader of the House of Representatives, for himself or herself and the Minority Leader of the House of Representatives, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader of the House; and

“(B) shall be introduced (by request) in the Senate by the Majority Leader of the Senate, for himself or herself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate.

“(4) PROHIBITIONS.—

“(A) AMENDMENTS.—No amendment to an approval resolution shall be in order in either the House of Representatives or the Senate.

“(B) MOTIONS TO SUSPEND.—No motion to suspend the application of this paragraph shall be in order in either House, nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this paragraph by unanimous consent.

“(5) REFERRAL.—

“(A) IN GENERAL.—An approval resolution shall be referred to the committees of the House of Representatives and of the Senate with jurisdiction. Each committee shall make its recommendations to the House of Representatives or the Senate, as the case may be, within 45 days after its introduction. Except as provided in subparagraph (B), if a committee to which an approval resolution has been referred has not reported it at the close of the 45th day after its introduction, such committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar.

“(B) FINAL PASSAGE.—A vote on final passage of the resolution shall be taken in each House on or before the close of the 15th day after the resolution is reported by the committee or committees of that House to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(C) COMPUTATION OF DAYS.—For purposes of this paragraph, in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

“(6) COORDINATION WITH ACTION OF OTHER HOUSE.—If prior to the passage by one House of an approval resolution of that House, that House receives the same approval resolution from the other House, then the procedure in that House shall be the same as if no approval resolution has been received from the other House, but the vote on final passage shall be on the approval resolution of the other House.

“(7) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) MOTION TO PROCEED.—A motion in the House of Representatives to proceed to the consideration of an approval resolution shall be highly privileged and not debatable. An amendment to the motion shall not be in order, not shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) DEBATE.—Debate in the House of Representatives on an implementing bill or approval resolution shall be limited to not more than 4 hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. It shall not be in order to move to recommit an approval resolution or to move to reconsider the vote by which an approval resolution is agreed to or disagreed to.

“(C) MOTION TO POSTPONE.—Motions to postpone made in the House of Representatives with respect to the consideration of an approval resolution and motions to proceed to the consideration of other business shall be decided without debate.

“(D) APPEALS.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an approval resolution shall be decided without debate.

“(E) RULES OF THE HOUSE OF REPRESENTATIVES.—Except to the extent specifically provided in subparagraphs (A) through (D), consideration of an approval resolution shall be governed by the Rules of the House of Representatives applicable to other resolutions in similar circumstances.

“(8) FLOOR CONSIDERATION IN THE SENATE.—

“(A) MOTION TO PROCEED.—A motion in the Senate to proceed to the consideration of an approval resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) DEBATE ON RESOLUTION.—Debate in the Senate on an approval resolution, and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or their designees.

“(C) DEBATE ON MOTIONS AND APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with an approval resolution shall be limited to not more than 1 hour, which shall be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or designee. Such leaders, or either of them, may, from time under their control on the passage of an approval resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

“(D) LIMIT ON DEBATE.—A motion in the Senate to further limit debate is not debatable. A motion to recommit an approval resolution is not in order.

“(C) DEFAULT STANDARDS.—

“(1) IN GENERAL.—If the standards proposed under subsection (a)(1)(A) are not approved pursuant to the procedures described in subsection (b), then not later than 1 year after rejection by a vote of either House of Congress, domestic commercial airline passengers seeking to board an aircraft shall present, for identification purposes—

“(A) a valid, unexpired passport;

“(B) domestically issued documents that the Secretary of Homeland Security designates as reliable for identification purposes;

“(C) any document issued by the Attorney General or the Secretary of Homeland Security under the authority of 1 of the immigration laws (as defined under section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))[]); or

“(D) a document issued by the country of nationality of any alien not required to possess a passport for admission to the United States that the Secretary designates as reliable for identifications purposes

“(2) EXCEPTION.—The documentary requirements described in paragraph (1)—

“(A) shall not apply to individuals below the age of 17, or such other age as determined by the Secretary of Homeland Security;

“(B) may be waived by the Secretary of Homeland Security in the case of an unforeseen medical emergency.

“(d) RECOMMENDATION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act [Dec. 17, 2004], the Secretary of Homeland Security shall recommend to Congress—

“(1) categories of Federal facilities that the Secretary determines to be at risk for terrorist attack and requiring minimum identification standards for access to such facilities; and

“(2) appropriate minimum identification standards to gain access to those facilities.”

## DEADLINE FOR DEPLOYMENT OF FEDERAL SCREENERS

Pub. L. 107-71, title I, §110(c), Nov. 19, 2001, 115 Stat. 616, provided that, not later than 1 year after Nov. 19, 2001, the Administrator of the Transportation Security Administration would deploy at all airports in the United States where screening is required under this section a sufficient number of Federal screeners, Federal Security Managers, Federal security personnel, and Federal law enforcement officers to conduct the screening of all passengers and property under this section and also not later than 1 year after Nov. 19, 2001, certify to Congress that this requirement was met.

## REPORTS

Pub. L. 107-71, title I, §110(d), Nov. 19, 2001, 115 Stat. 616, provided that:

“(1) DEPLOYMENT.—Within 6 months after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the deployment of the systems required by section 44901(c) of title 49, United States Code. The Under Secretary shall include in the report—

“(A) an installation schedule;

“(B) the dates of installation of each system; and

“(C) the date on which each system installed is operational.

“(2) SCREENING OF SMALL AIRCRAFT.—Within 1 year after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives on the screening requirements applicable to passengers boarding, and property being carried aboard, aircraft with 60 seats or less used in scheduled passenger service with recommendations for any necessary changes in those requirements.”

INSTALLATION OF ADVANCED SECURITY EQUIPMENT;  
AGREEMENTS

Pub. L. 104-264, title III, §305(b), Oct. 9, 1996, 110 Stat. 3252, provided that: “The Administrator is authorized to use noncompetitive or cooperative agreements with air carriers and airport authorities that provide for the Administrator to purchase and assist in installing advanced security equipment for the use of such entities.”

## PASSENGER PROFILING

Pub. L. 104-264, title III, §307, Oct. 9, 1996, 110 Stat. 3253, provided that: “The Administrator of the Federal Aviation Administration, the Secretary of Transportation, the intelligence community, and the law enforcement community should continue to assist air carriers in developing computer-assisted passenger profiling programs and other appropriate passenger profiling programs which should be used in conjunction with other security measures and technologies.”

AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT  
SECURITY PROGRAMS AND ACTIVITIES

Pub. L. 104-264, title III, §308, Oct. 9, 1996, 110 Stat. 3253, which provided that funds from project grants made under subchapter I of chapter 471 of this title and passenger facility fees collected under section 40117 of this title could be used for the improvement of facilities and the purchase and deployment of equipment to enhance and ensure safe air travel, was repealed by Pub. L. 108-176, title I, §143, Dec. 12, 2003, 117 Stat. 2503.

INSTALLATION AND USE OF EXPLOSIVE DETECTION  
EQUIPMENT

Pub. L. 101-45, title I, June 30, 1989, 103 Stat. 110, provided in part that: “Not later than thirty days after the

date of the enactment of this Act [June 30, 1989], the Federal Aviation Administrator shall initiate action, including such rulemaking or other actions as necessary, to require the use of explosive detection equipment that meets minimum performance standards requiring application of technology equivalent to or better than thermal neutron analysis technology at such airports (whether located within or outside the United States) as the Administrator determines that the installation and use of such equipment is necessary to ensure the safety of air commerce. The Administrator shall complete these actions within sixty days of enactment of this Act”.

RESEARCH AND DEVELOPMENT OF IMPROVED AIRPORT  
SECURITY SYSTEMS

Pub. L. 100-649, §2(d), Nov. 10, 1988, 102 Stat. 3817, required the Administrator of the Federal Aviation Administration to conduct such research and development as necessary to improve airport security metal detectors and airport security x-ray systems in detecting firearms that were subject to the prohibitions of section 922(p) of Title 18, Crimes and Criminal Procedure.

## DEFINITIONS OF TERMS IN TITLE IV OF PUB. L. 108-458

Pub. L. 108-458, title IV, §4081, Dec. 17, 2004, 118 Stat. 3731, provided that: “In this title [enacting section 44925 of this title, amending sections 114, 44903, 44904, 44909, 44917, 44923, 46301 to 46303, and 48301 of this title and sections 70102 and 70103 of Title 46, Shipping, and enacting provisions set out as notes under this section, sections 114, 44703, 44913, 44917, 44923, 44925, and 44935 of this title, section 2751 of Title 22, Foreign Relations and Intercourse, and section 70101 of Title 46] (other than in sections 4001 and 4026 [amending sections 114 and 44904 of this title and enacting provisions set out as a note under section 2751 of Title 22]), the following definitions apply:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) AVIATION DEFINITIONS.—The terms ‘air carrier’, ‘air transportation’, ‘aircraft’, ‘airport’, ‘cargo’, ‘foreign air carrier’, and ‘intrastate air transportation’ have the meanings given such terms in section 40102 of title 49, United States Code.

“(3) SECURE AREA OF AN AIRPORT.—The term ‘secure area of an airport’ means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulations).”

## DEFINITIONS OF TERMS IN PUB. L. 107-71

For definitions of terms used in sections 101(g) and 110(c), (d), of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.

**§ 44902. Refusal to transport passengers and property**

(a) MANDATORY REFUSAL.—The Administrator of the Transportation Security Administration shall prescribe regulations requiring an air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

(1) a passenger who does not consent to a search under section 44901(a) of this title establishing whether the passenger is carrying unlawfully a dangerous weapon, explosive, or other destructive substance; or

(2) property of a passenger who does not consent to a search of the property establishing whether the property unlawfully contains a

dangerous weapon, explosive, or other destructive substance.

(b) PERMISSIVE REFUSAL.—Subject to regulations of the Administrator of the Transportation Security Administration, an air carrier, intrastate air carrier, or foreign air carrier may refuse to transport a passenger or property the carrier decides is, or might be, inimical to safety.

(c) AGREEING TO CONSENT TO SEARCH.—An agreement to carry passengers or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier is deemed to include an agreement that the passenger or property will not be carried if consent to search the passenger or property for a purpose referred to in this section is not given.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1204; Pub. L. 107–71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, §1991(d)(2), Oct. 5, 2018, 132 Stat. 3630.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44902(a) .....	49 App.:1511(a) (1st sentence).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1111; added Sept. 5, 1961, Pub. L. 87–197, §4, 75 Stat. 467; re-stated Aug. 5, 1974, Pub. L. 93–366, §204, 88 Stat. 418.
44902(b) .....	49 App.:1511(a) (last sentence).	
44902(c) .....	49 App.:1511(b).	

In this section, the word “passenger” is substituted for “person” for consistency in the revised title.

In subsection (a)(1), the words “of his person” are omitted as surplus.

In subsection (a)(2), the words “or inspection” are omitted as surplus.

In subsection (b), the words “reasonable” and “also” are omitted as surplus. The word “rules” is omitted as being synonymous with “regulations”. The words “the carrier decides is” are substituted for “when, in the opinion of the carrier, such transportation would” to eliminate unnecessary words. The words “of flight” are omitted as surplus.

In subsection (c), the words “for compensation or hire” are omitted because of the definitions of “air transportation” and “intrastate air transportation” in section 40102(a) of the revised title. The word “inspect” is omitted as surplus.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(2)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in introductory provisions.

Subsec. (b). Pub. L. 115–254, §1991(d)(2)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

2001—Subsec. (a). Pub. L. 107–71 substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration” in introductory provisions.

Subsec. (b). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

§ 44903. Air transportation security

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) LAW ENFORCEMENT PERSONNEL.—The term “law enforcement personnel” means individuals—

(A) authorized to carry and use firearms;

(B) vested with the degree of the police power of arrest the Administrator considers necessary to carry out this section; and

(C) identifiable by appropriate indicia of authority.

(b) PROTECTION AGAINST VIOLENCE AND PIRACY.—The Administrator shall prescribe regulations to protect passengers and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence or aircraft piracy. When prescribing a regulation under this subsection, the Administrator shall—

(1) consult with the Secretary of Transportation, the Attorney General, the heads of other departments, agencies, and instrumentalities of the United States Government, and State and local authorities;

(2) consider whether a proposed regulation is consistent with—

(A) protecting passengers; and

(B) the public interest in promoting air transportation and intrastate air transportation;

(3) to the maximum extent practicable, require a uniform procedure for searching and detaining passengers and property to ensure—

(A) their safety; and

(B) courteous and efficient treatment by an air carrier, an agent or employee of an air carrier, and Government, State, and local law enforcement personnel carrying out this section; and

(4) consider the extent to which a proposed regulation will carry out this section.

(c) SECURITY PROGRAMS.—(1) The Administrator shall prescribe regulations under subsection (b) of this section that require each operator of an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation to establish an air transportation security program that provides a law enforcement presence and capability at each of those airports that is adequate to ensure the safety of passengers. The regulations shall authorize the operator to use the services of qualified State, local, and private law enforcement personnel. When the Administrator decides, after being notified by an operator in the form the Administrator prescribes, that not enough qualified State, local, and private law enforcement personnel are available to carry out subsection (b), the Administrator may authorize the operator to use, on a reimbursable basis, personnel employed by the Administrator, or by another department, agency, or instrumentality of the Government with the consent of the head of the department, agency, or instrumentality, to supplement State, local, and private law enforcement personnel. When deciding whether additional personnel are needed, the Administrator shall consider the number of passengers boarded at the airport, the extent of anticipated risk of criminal violence or aircraft piracy at the airport or to the air carrier aircraft oper-



ations at the airport, and the availability of qualified State or local law enforcement personnel at the airport.

(2)(A) The Administrator may approve a security program of an airport operator, or an amendment in an existing program, that incorporates a security program of an airport tenant (except an air carrier separately complying with part 108 or 129 of title 14, Code of Federal Regulations) having access to a secured area of the airport, if the program or amendment incorporates—

(i) the measures the tenant will use, within the tenant's leased areas or areas designated for the tenant's exclusive use under an agreement with the airport operator, to carry out the security requirements imposed by the Administrator on the airport operator under the access control system requirements of section 107.14 of title 14, Code of Federal Regulations, or under other requirements of part 107 of title 14; and

(ii) the methods the airport operator will use to monitor and audit the tenant's compliance with the security requirements and provides that the tenant will be required to pay monetary penalties to the airport operator if the tenant fails to carry out a security requirement under a contractual provision or requirement imposed by the airport operator.

(B) If the Administrator approves a program or amendment described in subparagraph (A) of this paragraph, the airport operator may not be found to be in violation of a requirement of this subsection or subsection (b) of this section when the airport operator demonstrates that the tenant or an employee, permittee, or invitee of the tenant is responsible for the violation and that the airport operator has complied with all measures in its security program for securing compliance with its security program by the tenant.

(C) MAXIMUM USE OF CHEMICAL AND BIOLOGICAL WEAPON DETECTION EQUIPMENT.—The Secretary of Transportation may require airports to maximize the use of technology and equipment that is designed to detect or neutralize potential chemical or biological weapons.

(3) PILOT PROGRAMS.—The Administrator shall establish pilot programs in no fewer than 20 airports to test and evaluate new and emerging technology for providing access control and other security protections for closed or secure areas of the airports. Such technology may include biometric or other technology that ensures only authorized access to secure areas.

(d) AUTHORIZING INDIVIDUALS TO CARRY FIREARMS AND MAKE ARRESTS.—With the approval of the Attorney General and the Secretary of State, the Administrator may authorize an individual who carries out air transportation security duties—

(1) to carry firearms; and

(2) to make arrests without warrant for an offense against the United States committed in the presence of the individual or for a felony under the laws of the United States, if the individual reasonably believes the individual to be arrested has committed or is committing a felony.

(e) EXCLUSIVE RESPONSIBILITY OVER PASSENGER SAFETY.—The Administrator has the ex-

clusive responsibility to direct law enforcement activity related to the safety of passengers on an aircraft involved in an offense under section 46502 of this title from the moment all external doors of the aircraft are closed following boarding until those doors are opened to allow passengers to leave the aircraft. When requested by the Administrator, other departments, agencies, and instrumentalities of the Government shall provide assistance necessary to carry out this subsection.

(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees for purposes of chapter 10 of title 5.

(g) IMPROVEMENT OF SECURED-AREA ACCESS CONTROL.—

(1) ENFORCEMENT.—

(A) ADMINISTRATOR TO PUBLISH SANCTIONS.—The Administrator shall publish in the Federal Register a list of sanctions for use as guidelines in the discipline of employees for infractions of airport access control requirements. The guidelines shall incorporate a progressive disciplinary approach that relates proposed sanctions to the severity or recurring nature of the infraction and shall include measures such as remedial training, suspension from security-related duties, suspension from all duties without pay, and termination of employment.

(B) USE OF SANCTIONS.—Each airport operator, air carrier, and security screening company shall include the list of sanctions published by the Administrator in its security program. The security program shall include a process for taking prompt disciplinary action against an employee who commits an infraction of airport access control requirements.

(2) IMPROVEMENTS.—The Administrator shall—

(A) work with airport operators and air carriers to implement and strengthen existing controls to eliminate airport access control weaknesses;

(B) require airport operators and air carriers to develop and implement comprehensive and recurring training programs that teach employees their roles in airport security, the importance of their participation, how their performance will be evaluated, and what action will be taken if they fail to perform;

(C) require airport operators and air carriers to develop and implement programs that foster and reward compliance with airport access control requirements and discourage and penalize noncompliance in accordance with guidelines issued by the Administrator to measure employee compliance;

(D) on an ongoing basis, assess and test for compliance with access control requirements, report annually findings of the assessments, and assess the effectiveness of penalties in ensuring compliance with secu-

rity procedures and take any other appropriate enforcement actions when noncompliance is found;

(E) improve and better administer the Administrator's security database to ensure its efficiency, reliability, and usefulness for identification of systemic problems and allocation of resources;

(F) improve the execution of the Administrator's quality control program; and

(G) work with airport operators to strengthen access control points in secured areas (including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas) to ensure the security of passengers and aircraft and consider the deployment of biometric or similar technologies that identify individuals based on unique personal characteristics.

(h) IMPROVED AIRPORT PERIMETER ACCESS SECURITY.—

(1) IN GENERAL.—The Administrator, in consultation with the airport operator and law enforcement authorities, may order the deployment of such personnel at any secure area of the airport as necessary to counter the risk of criminal violence, the risk of aircraft piracy at the airport, the risk to air carrier aircraft operations at the airport, or to meet national security concerns.

(2) SECURITY OF AIRCRAFT AND GROUND ACCESS TO SECURE AREAS.—In determining where to deploy such personnel, the Administrator shall consider the physical security needs of air traffic control facilities, parked aircraft, aircraft servicing equipment, aircraft supplies (including fuel), automobile parking facilities within airport perimeters or adjacent to secured facilities, and access and transition areas at airports served by other means of ground or water transportation.

(3) DEPLOYMENT OF FEDERAL LAW ENFORCEMENT PERSONNEL.—The Secretary of Homeland Security may enter into a memorandum of understanding or other agreement with the Attorney General or the head of any other appropriate Federal law enforcement agency to deploy Federal law enforcement personnel at an airport in order to meet aviation safety and security concerns.

(4) AIRPORT PERIMETER SCREENING.—The Administrator—

(A) shall require screening or inspection of all individuals, goods, property, vehicles, and other equipment before entry into a secured area of an airport in the United States described in section 44903(c);<sup>1</sup>

(B) shall prescribe specific requirements for such screening and inspection that will assure at least the same level of protection as will result from screening of passengers and their baggage;

(C) shall establish procedures to ensure the safety and integrity of—

(i) all persons providing services with respect to aircraft providing passenger air

transportation or intrastate air transportation and facilities of such persons at an airport in the United States described in subsection (c);

(ii) all supplies, including catering and passenger amenities, placed aboard such aircraft, including the sealing of supplies to ensure easy visual detection of tampering; and

(iii) all persons providing such supplies and facilities of such persons;

(D) shall require vendors having direct access to the airfield and aircraft to develop security programs; and

(E) shall issue guidance for the use of biometric or other technology that positively verifies the identity of each employee and law enforcement officer who enters a secure area of an airport.

(5) USE OF BIOMETRIC TECHNOLOGY IN AIRPORT ACCESS CONTROL SYSTEMS.—In issuing guidance under paragraph (4)(E), the Administrator in consultation with representatives of the aviation industry, the biometric identifier industry, and the National Institute of Standards and Technology, shall establish, at a minimum—

(A) comprehensive technical and operational system requirements and performance standards for the use of biometric identifier technology in airport access control systems (including airport perimeter access control systems) to ensure that the biometric identifier systems are effective, reliable, and secure;

(B) a list of products and vendors that meet the requirements and standards set forth in subparagraph (A);

(C) procedures for implementing biometric identifier systems—

(i) to ensure that individuals do not use an assumed identity to enroll in a biometric identifier system; and

(ii) to resolve failures to enroll, false matches, and false non-matches; and

(D) best practices for incorporating biometric identifier technology into airport access control systems in the most effective manner, including a process to best utilize existing airport access control systems, facilities, and equipment and existing data networks connecting airports.

(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—

(A) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General, shall—

(i) implement this paragraph by publication in the Federal Register; and

(ii) establish a national registered armed law enforcement program, that shall be federally managed, for law enforcement officers needing to be armed when traveling by commercial aircraft.

(B) PROGRAM REQUIREMENTS.—The program shall—

(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;

<sup>1</sup> So in original. Probably should be "subsection (c)".

(ii) establish a system for law enforcement officers who need to be armed when traveling by commercial aircraft on a regular basis and for those who need to be armed during temporary travel assignments;

(iii) comply with other uniform credentialing initiatives, including the Homeland Security Presidential Directive 12;

(iv) apply to all Federal, State, local, tribal, and territorial government law enforcement agencies; and

(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board a commercial aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.

(C) PROCEDURES.—In establishing the program, the Secretary of Homeland Security shall develop procedures—

(i) to ensure that a law enforcement officer of a Federal, State, local, tribal, or territorial government flying armed has a specific reason for flying armed and the reason is within the scope of the duties of such officer;

(ii) to preserve the anonymity of the armed law enforcement officer;

(iii) to resolve failures to enroll, false matches, and false nonmatches relating to the use of the law enforcement travel credential or system;

(iv) to determine the method of issuance of the biometric credential to law enforcement officers needing to be armed when traveling by commercial aircraft;

(v) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use;

(vi) to coordinate the program with the Federal Air Marshal Service, including the force multiplier program of the Service; and

(vii) to implement a phased approach to launching the program, addressing the immediate needs of the relevant Federal agent population before expanding to other law enforcement populations.

(7) DEFINITIONS.—In this subsection, the following definitions apply:

(A) BIOMETRIC IDENTIFIER INFORMATION.—The term “biometric identifier information” means the distinct physical or behavioral characteristics of an individual that are used for unique identification, or verification of the identity, of an individual.

(B) BIOMETRIC IDENTIFIER.—The term “biometric identifier” means a technology that enables the automated identification, or verification of the identity, of an individual based on biometric information.

(C) FAILURE TO ENROLL.—The term “failure to enroll” means the inability of an individual to enroll in a biometric identifier system due to an insufficiently distinctive bio-

metric sample, the lack of a body part necessary to provide the biometric sample, a system design that makes it difficult to provide consistent biometric identifier information, or other factors.

(D) FALSE MATCH.—The term “false match” means the incorrect matching of one individual’s biometric identifier information to another individual’s biometric identifier information by a biometric identifier system.

(E) FALSE NON-MATCH.—The term “false non-match” means the rejection of a valid identity by a biometric identifier system.

(F) SECURE AREA OF AN AIRPORT.—The term “secure area of an airport” means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).

(i) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

(1) IN GENERAL.—If the Administrator, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Administrator may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

(2) USAGE.—If the Administrator grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Administrator shall—

(A) prescribe rules requiring that any such crew member be trained in the proper use of the weapon; and

(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.

(3) REQUEST OF AIR CARRIERS TO USE LESS-THAN-LETHAL WEAPONS.—If the Administrator receives a request from an air carrier for authorization to allow pilots of the air carrier to carry less-than-lethal weapons, the Administrator shall respond to that request within 90 days.

(j) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.—

(1) IN GENERAL.—The Administrator shall periodically recommend to airport operators commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons.

(2) SECURE FLIGHT PROGRAM.—

(A) IN GENERAL.—The Administrator shall ensure that the Secure Flight program, or any successor program—

(i) is used to evaluate all passengers before they board an aircraft; and

(ii) includes procedures to ensure that individuals selected by the program and

their carry-on and checked baggage are adequately screened.

(B) MODIFICATIONS.—The Administrator may modify any requirement under the Secure Flight program for flights that originate and terminate within the same State, if the Administrator determines that—

(i) the State has extraordinary air transportation needs or concerns due to its isolation and dependence on air transportation; and

(ii) the routine characteristics of passengers, given the nature of the market, regularly triggers primary selectee status.

(C) ADVANCED AIRLINE PASSENGER PRESCREENING.—

(i) COMMENCEMENT OF TESTING.—The Administrator shall commence testing of an advanced passenger prescreening system that will allow the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

(ii) ASSUMPTION OF FUNCTION.—The Administrator, or the designee of the Administrator, shall begin to assume the performance of the passenger prescreening function of comparing passenger information to the automatic selectee and no fly lists and utilize all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government in performing that function.

(iii) REQUIREMENTS.—In assuming performance of the function under clause (ii), the Administrator shall—

(I) establish a procedure to enable airline passengers, who are delayed or prohibited from boarding a flight because the advanced passenger prescreening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system;

(II) ensure that Federal Government databases that will be used to establish the identity of a passenger under the system will not produce a large number of false positives;

(III) establish an internal oversight board to oversee and monitor the manner in which the system is being implemented;

(IV) establish sufficient operational safeguards to reduce the opportunities for abuse;

(V) implement substantial security measures to protect the system from unauthorized access;

(VI) adopt policies establishing effective oversight of the use and operation of the system; and

(VII) ensure that there are no specific privacy concerns with the technological architecture of the system.

(iv) PASSENGER INFORMATION.—After the completion of the testing of the advanced

passenger prescreening system, the Administrator, by order or interim final rule—

(I) shall require air carriers to supply to the Administrator the passenger information needed to begin implementing the advanced passenger prescreening system; and

(II) shall require entities that provide systems and services to air carriers in the operation of air carrier reservations systems to provide to air carriers passenger information in possession of such entities, but only to the extent necessary to comply with subclause (I).

(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Administrator, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term “detainee” means an individual in the custody or under the physical control of the United States as a result of armed conflict.

(D) SCREENING OF EMPLOYEES AGAINST WATCHLIST.—The Administrator, in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall ensure that individuals are screened against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government before—

(i) being certificated by the Federal Aviation Administration;

(ii) being granted unescorted access to the secure area of an airport; or

(iii) being granted unescorted access to the air operations area (as defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section) of an airport.

(E) AIRCRAFT CHARTER CUSTOMER AND LESSEE PRESCREENING.—

(i) IN GENERAL.—The Administrator Administrator<sup>2</sup> shall establish a process by which operators of aircraft to be used in charter air transportation with a maximum takeoff weight greater than 12,500 pounds and lessors of aircraft with a maximum takeoff weight greater than 12,500 pounds may—

(I) request the Department of Homeland Security to use the advanced passenger prescreening system to compare information about any individual seeking to charter an aircraft with a maximum takeoff weight greater than 12,500 pounds, any passenger proposed to be transported aboard such aircraft, and any individual seeking to lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to the auto-

<sup>2</sup> So in original.

matic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government; and

(II) refuse to charter or lease an aircraft with a maximum takeoff weight greater than 12,500 pounds to or transport aboard such aircraft any persons identified on such watch list.

(ii) REQUIREMENTS.—The requirements of subparagraph (C)(iii) shall apply to this subparagraph.

(iii) NO FLY AND AUTOMATIC SELECTEE LISTS.—The Secretary of Homeland Security, in consultation with the Terrorist Screening Center, shall design and review, as necessary, guidelines, policies, and operating procedures for the collection, removal, and updating of data maintained, or to be maintained, in the no fly and automatic selectee lists.

(F) APPLICABILITY.—Section 607 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44903 note; 117 Stat. 2568) shall not apply to the advanced passenger prescreening system established under subparagraph (C).

(G) APPEAL PROCEDURES.—

(i) IN GENERAL.—The Administrator shall establish a timely and fair process for individuals identified as a threat under one or more of subparagraphs (C), (D), and (E) to appeal to the Transportation Security Administration the determination and correct any erroneous information.

(ii) RECORDS.—The process shall include the establishment of a method by which the Administrator will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers and other individuals, the Transportation Security Administration record shall contain information determined by the Administrator to authenticate the identity of such a passenger or individual.

(H) DEFINITION.—In this paragraph, the term “secure area of an airport” means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).

(k) LIMITATION ON LIABILITY FOR ACTS TO THWART CRIMINAL VIOLENCE OR AIRCRAFT PIRACY.—An individual shall not be liable for damages in any action brought in a Federal or State court arising out of the acts of the individual in attempting to thwart an act of criminal violence or piracy on an aircraft if that individual reasonably believed that such an act of criminal violence or piracy was occurring or was about to occur.

(l) AIR CHARTER PROGRAM.—

(1) IN GENERAL.—The Administrator shall implement an aviation security program for

charter air carriers (as defined in section 40102(a)) with a maximum certificated takeoff weight of more than 12,500 pounds.

(2) EXEMPTION FOR ARMED FORCES CHARTERS.—

(A) IN GENERAL.—Paragraph (1) and the other requirements of this chapter do not apply to passengers and property carried by aircraft when employed to provide charter transportation to members of the armed forces.

(B) SECURITY PROCEDURES.—The Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Transportation, shall establish security procedures relating to the operation of aircraft when employed to provide charter transportation to members of the armed forces to or from an airport described in section 44903(c).

(C) ARMED FORCES DEFINED.—In this paragraph, the term “armed forces” has the meaning given that term by section 101(a)(4) of title 10.

(m) SECURITY SCREENING FOR MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Administrator, in consultation with the Department of Defense, shall develop and implement a plan to provide expedited security screening services for a member of the armed forces, and, to the extent possible, any accompanying family member, if the member of the armed forces, while in uniform, presents documentation indicating official orders for air transportation departing from a primary airport (as defined in section 47102).

(2) PROTOCOLS.—In developing the plan, the Administrator shall consider—

(A) leveraging existing security screening models used to reduce passenger wait times; (B) establishing standard guidelines for the screening of military uniform items, including combat boots; and

(C) incorporating any new screening protocols into an existing trusted passenger program, as established pursuant to section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note), or into the development of any new credential or system that incorporates biometric technology and other applicable technologies to verify the identity of individuals traveling in air transportation.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect the authority of the Administrator to require additional screening of a member of the armed forces if intelligence or law enforcement information indicates that additional screening is necessary.

(4) REPORT TO CONGRESS.—The Administrator shall submit to the appropriate committees of Congress a report on the implementation of the plan.

(n) PASSENGER EXIT POINTS FROM STERILE AREA.—

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the Transportation Security Administration is responsible for monitoring passenger exit points from the

sterile area of airports at which the Transportation Security Administration provided such monitoring as of December 1, 2013.

(2) STERILE AREA DEFINED.—In this section, the term “sterile area” has the meaning given that term in section 1540.5 of title 49, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1205; Pub. L. 106–181, title VII, §717, Apr. 5, 2000, 114 Stat. 163; Pub. L. 106–528, §§4, 6, Nov. 22, 2000, 114 Stat. 2520, 2521; Pub. L. 107–71, title I, §§101(f)(7)–(9), 106(a), (c), (d), 120, 126(b), 136, 144, Nov. 19, 2001, 115 Stat. 603, 608–610, 629, 632, 636, 644; Pub. L. 107–296, title XIV, §§1405, 1406, Nov. 25, 2002, 116 Stat. 2307; Pub. L. 108–176, title VI, §606(a), Dec. 12, 2003, 117 Stat. 2568; Pub. L. 108–458, title IV, §§4011(a), 4012(a)(1), Dec. 17, 2004, 118 Stat. 3712, 3714; Pub. L. 110–53, title XVI, §1615(a), Aug. 3, 2007, 121 Stat. 486; Pub. L. 111–83, title V, §553, Oct. 28, 2009, 123 Stat. 2179; Pub. L. 112–86, §2(a), Jan. 3, 2012, 125 Stat. 1874; Pub. L. 113–67, div. A, title VI, §603, Dec. 26, 2013, 127 Stat. 1188; Pub. L. 115–254, div. K, title I, §1991(d)(3), Oct. 5, 2018, 132 Stat. 3630; Pub. L. 117–286, §4(a)(316), Dec. 27, 2022, 136 Stat. 4340.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44903(a) .....	49 App.:1357(f).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(a), (b), (e)(2), (3), (f); added Aug. 5, 1974, Pub. L. 93–366, §202, 88 Stat. 415, 417.
44903(b) .....	49 App.:1357(a).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(g); added Aug. 15, 1990, Pub. L. 101–370, §2, 104 Stat. 451.
44903(c)(1) ..	49 App.:1357(b).	
44903(c)(2) ..	49 App.:1357(g).	
44903(d) .....	49 App.:1356b.	Aug. 8, 1985, Pub. L. 99–83, §553(b), 99 Stat. 226.
44903(e) .....	49 App.:1357(e)(2), (3).	

In this section, the word “passengers” is substituted for “persons” for consistency in the revised title.

In subsection (a)(2), the words “the degree of” are substituted for “such” for clarity.

In subsection (b), before clause (1), the word “rules” is omitted as being synonymous with “regulations”. The words “such reasonable . . . requiring such practices, methods, and procedures, or governing the design, materials, and construction of aircraft, as he may deem necessary” are omitted as surplus. The word “air” after “intrastate” is added for clarity and consistency. The words “and amending” are omitted as surplus. In clause (1), the words “the heads of other departments, agencies, and instrumentalities of the United States Government, and State and local authorities” are substituted for “such other Federal, State, and local agencies” for consistency in the revised title and with other titles of the United States Code. The words “as he may deem appropriate” are omitted as surplus. In clause (2)(A), the words “in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy” are omitted as surplus. In clause (3), before subclause (A), the words “inspection” and “in air transportation and intrastate air transportation” are omitted as surplus. In subclause (B), the words “that they will receive” and “any air transportation security program established under” are omitted as surplus. In clause (4), the words “contribute to . . . the purposes of” are omitted as surplus.

In subsection (c)(1), the words “traveling in air transportation or intrastate air transportation from acts of criminal violence and aircraft piracy” and “whose serv-

ices are made available by their employers” are omitted as surplus. The words “department, agency, or instrumentality of the Government” are substituted for “Federal department or agency” for consistency in the revised title and with other titles of the Code. The word “When” is substituted for “In any case in which” to eliminate unnecessary words. The words “receipt of”, “by order”, “the services of”, “directly”, and “at the airport concerned in such numbers and for such period of time as the Administrator may deem necessary” are omitted as surplus. The words “When deciding whether additional personnel are needed” are substituted for “In making the determination referred to in the preceding sentence” for clarity.

In subsection (c)(2)(A), before clause (i), the words “under this section” are omitted as surplus. The words “or an amendment in an existing program” are substituted for “and may approve an amendment to a security program of an airport operator approved by the Administrator under subsection (b)” to eliminate unnecessary words. In clause (ii), the word “monetary” is substituted for “financial” for consistency.

In subsection (e), the words “Notwithstanding any other provisions of law”, “the commission of”, “considered”, and “the moment when” before “such door” are omitted as surplus. The words “to allow passengers to leave” are substituted for “disembarkation”, and the words “the aircraft” are added, for clarity. The words “departments, agencies, and instrumentalities of the Government” are substituted for “Federal departments and agencies” for consistency in the revised title and with other titles of the Code. The words “as may be . . . the purposes of” are omitted as surplus.

Editorial Notes

REFERENCES IN TEXT

Section 607 of the Vision 100—Century of Aviation Reauthorization Act, referred to in subsec. (j)(2)(F), is section 607 of Pub. L. 108–176, which is set out as a note below.

AMENDMENTS

2022—Subsec. (f). Pub. L. 117–286 substituted “chapter 10 of title 5,” for “the Federal Advisory Committee Act (5 U.S.C. App.).”

2018—Pub. L. 115–254, §1991(d)(3)(I), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(3)(A), substituted “Definitions” for “Definition” in heading and “In this section:” for “In this section, ‘law enforcement personnel’ means individuals—” in introductory provisions, added par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C) of par. (2), inserted before subpar. (A) “(2) LAW ENFORCEMENT PERSONNEL.—The term ‘law enforcement personnel’ means individuals—”, and in subpar. (B) substituted “Administrator” for “Under Secretary of Transportation for Security”.

Subsec. (d). Pub. L. 115–254, §1991(d)(3)(B), substituted “Administrator” for “Secretary of Transportation” in introductory provisions.

Subsec. (g)(2)(E), (F). Pub. L. 115–254, §1991(d)(3)(C), substituted “Administrator’s” for “Under Secretary’s”.

Subsec. (h)(3). Pub. L. 115–254, §1991(d)(3)(D)(i), substituted “Secretary of Homeland Security” for “Secretary”.

Subsec. (h)(4)(A). Pub. L. 115–254, §1991(d)(3)(D)(ii)(I), struck out “, as soon as practicable after the date of enactment of this subsection,” after “shall require”.

Subsec. (h)(4)(C)(i). Pub. L. 115–254, §1991(d)(3)(D)(ii)(II), substituted “subsection (c)” for “section 44903(c)”.

Subsec. (h)(4)(E). Pub. L. 115–254, §1991(d)(3)(D)(ii)(III), struck out “, not later than March 31, 2005,” after “shall issue”.

Subsec. (h)(5). Pub. L. 115–254, §1991(d)(3)(D)(iii), substituted “Administrator” for “Assistant Secretary of Homeland Security (Transportation Security Administration)” in introductory provisions.

Subsec. (h)(6)(A). Pub. L. 115-254, §1991(d)(3)(D)(iv)(I), substituted “The” for “Not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the” in introductory provisions.

Subsec. (h)(6)(A)(i). Pub. L. 115-254, §1991(d)(3)(D)(iv)(II), substituted “paragraph” for “section”.

Subsec. (h)(6)(C). Pub. L. 115-254, §1991(d)(3)(D)(v), substituted “Secretary of Homeland Security” for “Secretary” in introductory provisions.

Subsec. (i)(3). Pub. L. 115-254, §1991(d)(3)(E), struck out “, after the date of enactment of this paragraph,” after “If”.

Subsec. (j)(1). Pub. L. 115-254, §1991(d)(3)(F)(i), amended par. (1) generally. Prior to amendment, par. (1) required the Under Secretary of Transportation for Security to recommend to airport operators, within 6 months after Nov. 19, 2001, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons.

Subsec. (j)(2). Pub. L. 115-254, §1991(d)(3)(F)(ii)(VII), substituted “Administrator” for “Assistant Secretary” wherever appearing.

Pub. L. 115-254, §1991(d)(3)(F)(ii)(I), substituted “Secure flight program” for “Computer-assisted passenger prescreening system” in heading.

Subsec. (j)(2)(A). Pub. L. 115-254, §1991(d)(3)(F)(ii)(II), substituted “Administrator” for “Secretary of Transportation”, “Secure Flight program” for “Computer-Assisted Passenger Prescreening System”, and, in two places, “program” for “system”.

Subsec. (j)(2)(B). Pub. L. 115-254, §1991(d)(3)(F)(ii)(III), in introductory provisions, substituted “Administrator” for “Secretary of Transportation”, “Secure Flight program” for “Computer-Assisted Passenger Prescreening System”, and “Administrator” for “Secretary”.

Subsec. (j)(2)(C)(i). Pub. L. 115-254, §1991(d)(3)(F)(ii)(IV)(aa), substituted “The Administrator” for “Not later than January 1, 2005, the Assistant Secretary of Homeland Security (Transportation Security Administration), or the designee of the Assistant Secretary,”.

Subsec. (j)(2)(C)(ii). Pub. L. 115-254, §1991(d)(3)(F)(ii)(IV)(bb), substituted “The” for “Not later than 180 days after completion of testing under clause (i), the”.

Subsec. (j)(2)(C)(iv). Pub. L. 115-254, §1991(d)(3)(F)(ii)(IV)(cc), substituted “After” for “Not later than 180 days after” in introductory provisions.

Subsec. (j)(2)(D). Pub. L. 115-254, §1991(d)(3)(F)(ii)(V), substituted “Administrator” for “Assistant Secretary of Homeland Security (Transportation Security Administration)” in introductory provisions.

Subsec. (j)(2)(E)(i). Pub. L. 115-254, §1991(d)(3)(F)(ii)(VI), substituted “The Administrator” for “Not later than 90 days after the date on which the Assistant Secretary assumes the performance of the advanced passenger prescreening function under subparagraph (C)(ii), the” in introductory provisions.

Subsec. (l)(1). Pub. L. 115-254, §1991(d)(3)(G), substituted “Administrator” for “Under Secretary for Border and Transportation Security of the Department of Homeland Security”.

Subsec. (m). Pub. L. 115-254, §1991(d)(3)(H)(ii), substituted “Administrator” for “Assistant Secretary” wherever appearing.

Subsec. (m)(1). Pub. L. 115-254, §1991(d)(3)(H)(i), substituted “Administrator” for “Assistant Secretary of Homeland Security (Transportation Security Administration)”.

2013—Subsec. (n). Pub. L. 113-67 added subsec. (n).

2012—Subsec. (m). Pub. L. 112-86 added subsec. (m).

2009—Subsec. (j)(2)(C)(v). Pub. L. 111-83 added cl. (v).

2007—Subsec. (h)(6). Pub. L. 110-53 amended par. (6) generally. Prior to amendment, par. (6) related to establishment of a uniform law enforcement officer travel credential incorporating biometric identifier technology not later than 120 days after Dec. 17, 2004.

2004—Subsec. (h)(4)(E). Pub. L. 108-458, §4011(a)(1), substituted “shall issue, not later than March 31, 2005, guidance for” for “may provide for”.

Subsec. (h)(5) to (7). Pub. L. 108-458, §4011(a)(2), added pars. (5) to (7).

Subsec. (j)(2)(C) to (H). Pub. L. 108-458, §4012(a)(1), added subpars. (C) to (H).

2003—Subsec. (l). Pub. L. 108-176 added subsec. (l).

2002—Subsec. (h). Pub. L. 107-296, §1406(3), redesignated subsec. (h), relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as (k).

Pub. L. 107-296, §1406(2), redesignated subsec. (h), relating to authority to arm flight deck crews with less-than-lethal weapons, as (i).

Subsec. (i). Pub. L. 107-296, §1406(2), redesignated subsec. (h), relating to authority to arm flight deck crews with less-than-lethal weapons, as (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 107-296, §1405(b)(1), substituted “If the Under Secretary” for “If the Secretary” and “the Under Secretary may” for “the Secretary may”.

Subsec. (i)(2). Pub. L. 107-296, §1405(b)(2), substituted “Under Secretary” for “Secretary” in two places in introductory provisions.

Subsec. (i)(3). Pub. L. 107-296, §1405(a), added par. (3).

Subsec. (j). Pub. L. 107-296, §1406(1), redesignated subsec. (i) as (j).

Subsec. (k). Pub. L. 107-296, §1406(3), redesignated subsec. (h), relating to limitation on liability for acts to thwart criminal violence or aircraft piracy, as (k).

2001—Subsec. (a)(2). Pub. L. 107-71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places in introductory provisions.

Subsec. (c)(1), (2)(A), (B). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” wherever appearing.

Subsec. (c)(2)(C). Pub. L. 107-71, §120, amended heading and text of subpar. (C) generally, substituting provisions relating to maximum use of chemical and biological weapon detection equipment for provisions relating to a manual process at explosive detection locations for randomly selecting additional checked bags for screening.

Subsec. (c)(3). Pub. L. 107-71, §106(d), added par. (3).

Subsecs. (e), (f), (g)(1)(A), (B). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” wherever appearing.

Subsec. (g)(2). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions.

Subsec. (g)(2)(A). Pub. L. 107-71, §106(c)(1), substituted “weaknesses;” for “weaknesses by January 31, 2001;”.

Subsec. (g)(2)(D). Pub. L. 107-71, §106(c)(2), added subpar. (D) and struck out former subpar. (D) which read as follows: “assess and test for compliance with access control requirements, report findings, and assess penalties or take other appropriate enforcement actions when noncompliance is found;”.

Subsec. (g)(2)(C). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (g)(2)(E). Pub. L. 107-71, §101(f)(8), substituted “Under Secretary’s” for “Administrator’s”.

Subsec. (g)(2)(F). Pub. L. 107-71, §§101(f)(8), 106(c)(3), substituted “Under Secretary’s” for “Administrator’s” and “program;” for “program by January 31, 2001;”.

Subsec. (g)(2)(G). Pub. L. 107-71, §106(c)(4), added subpar. (G) and struck out former subpar. (G) which read as follows: “require airport operators and air carriers to strengthen access control points in secured areas (including air traffic control operations areas) to ensure the security of passengers and aircraft by January 31, 2001.”

Subsec. (h). Pub. L. 107-71, §144, which directed that subsec. (h) relating to limitation on liability for acts to thwart criminal violence or aircraft piracy be added at

end of section 44903, without specifying the Code title to be amended, was executed by making the addition at the end of this section, to reflect the probable intent of Congress.

Pub. L. 107-71, § 126(b), added subsec. (h) relating to authority to arm flight deck crews with less-than-lethal weapons.

Pub. L. 107-71, § 106(a), added subsec. (h) relating to improved airport perimeter access security.

Subsec. (i). Pub. L. 107-71, § 136, added subsec. (i).

2000—Subsec. (c)(2)(C). Pub. L. 106-528, § 6, added subpar. (C).

Subsec. (f). Pub. L. 106-181 added subsec. (f).

Subsec. (g). Pub. L. 106-528, § 4, added subsec. (g).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-86, § 2(b), Jan. 3, 2012, 125 Stat. 1875, provided that: “Not later than 180 days after the date of enactment of this Act [Jan. 3, 2012], the Assistant Secretary shall implement the plan required by this Act [amending this section and enacting provisions set out as a note under section 40101 of this title].”

##### 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 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 22, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

##### EFFECTIVE DATE OF 2000 AMENDMENTS

Amendment by Pub. L. 106-528 effective 30 days after Nov. 25, 2000, see section 9 of Pub. L. 106-528, set out as a note under section 106 of this title.

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.

#### SECONDARY COCKPIT BARRIERS

Pub. L. 115-254, div. B, title III, § 336, Oct. 5, 2018, 132 Stat. 3281, provided that:

“(a) **SHORT TITLE.**—This section may be cited as the ‘Saracini Aviation Safety Act of 2018’.

“(b) **REQUIREMENT.**—Not later than 1 year after the date of the enactment of this Act [Oct. 5, 2018], the Administrator of the Federal Aviation Administration shall issue an order requiring installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier in the United States operating under the provisions of part 121 of title 14, Code of Federal Regulations.”

#### SEXUAL MISCONDUCT ONBOARD AIRCRAFT

Pub. L. 115-254, div. B, title III, §§ 339A, 339B, Oct. 5, 2018, 132 Stat. 3282, 3283, provided that:

“**SEC. 339A. NATIONAL IN-FLIGHT SEXUAL MISCONDUCT TASK FORCE.**

“(a) **ESTABLISHMENT OF TASK FORCE.**—The Secretary of Transportation shall establish a task force, to be known as the ‘National In-Flight Sexual Misconduct Task Force’ (referred to in this section as ‘Task Force’) to—

“(1) review current practices, protocols and requirements of air carriers in responding to allegations of sexual misconduct by passengers onboard aircraft, including training, reporting and data collection; and

“(2) provide recommendations on training, reporting and data collection regarding allegations of sexual misconduct occurring on passenger airline flights

that are informed by the review of information described in paragraph (1) and subsection (c)(5) on passengers who have experienced sexual misconduct onboard aircraft.

“(b) **MEMBERSHIP.**—The Task Force shall be composed of, at a minimum, representatives from—

“(1) [the] Department of Transportation;

“(2) [the] Department of Justice, including the Federal Bureau of Investigation, Office of Victims for Crimes [sic], and the Office on Violence Against Women;

“(3) National organizations that specialize in providing services to sexual assault victims;

“(4) labor organizations that represent flight attendants;

“(5) labor organizations that represent pilots;

“(6) airports;

“(7) air carriers;

“(8) State and local law enforcement agencies; and

“(9) such other Federal agencies and stakeholder organizations as the Secretary of Transportation considers appropriate.

“(c) **PURPOSE OF TASK FORCE.**—The purpose of the Task Force shall be to—

“(1) issue recommendations for addressing allegations of sexual misconduct by passengers onboard aircraft, including airline employee and contractor training;

“(2) issue recommendations on effective ways for passengers involved in incidents of alleged sexual misconduct to report such allegation of sexual misconduct;

“(3) issue recommendations on how to most effectively provide data on instances of alleged sexual misconduct onboard aircraft and to whom the data collected should be reported in a manner that protects the privacy and confidentiality of individuals involved in incidents of alleged sexual misconduct and precludes the release of data that publically identifies an individual air carrier to enable better understanding of the frequency and severity of such misconduct;

“(4) issue recommendations for flight attendants, pilots, and other appropriate airline personnel on law enforcement notification in incidents of alleged sexual misconduct;

“(5) review and utilize first-hand accounts from passengers who have experienced sexual misconduct onboard aircraft; and

“(6) other matters deemed necessary by the Task Force.

“(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Task Force shall submit a report with its recommendations and findings developed pursuant to subsection (c) to the Secretary of Transportation.

“(e) **PLAN.**—Not later than 180 days after receiving the report required under subsection (d)[.] the Secretary of Transportation, in coordination with relevant federal agencies, shall submit to [the] appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a plan to address the recommendations in the report required under subsection (d). The Secretary of Transportation shall make changes to guidance, policies and regulations, as necessary, within 1 year of submitting the plan required in this subsection.

“(f) **REGULATIONS.**—Not later than 1 year after submitting the plan required in this subsection [probably means “subsection (e)”], the Secretary of Transportation may issue regulations as deemed necessary to require each air carrier and other covered entity to develop a policy concerning sexual misconduct in accordance with the recommendations and findings of the Task Force under subsection (c).

“(g) **SUNSET.**—The Task Force established pursuant to subsection (a) shall terminate upon the submission of the report pursuant to subsection (d).



“SEC. 339B. REPORTING PROCESS FOR SEXUAL MISCONDUCT ONBOARD AIRCRAFT.

“(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act [Oct. 5, 2018], the Attorney General, in coordination with relevant Federal agencies, shall establish a streamlined process, based on the plan required under section 339A(e) of this Act, for individuals involved in incidents of alleged sexual misconduct onboard aircraft to report such allegations of sexual misconduct to law enforcement in a manner that protects the privacy and confidentiality of individuals involved in such allegations.

“(b) AVAILABILITY OF REPORTING PROCESS.—The process for reporting established under subsection (a) shall be made available to the public on the primary Internet websites of—

“(1) the Office for Victims of Crime and the Office on Violence Against Women of the Department of Justice;

“(2) the Federal Bureau of Investigation; and

“(3) the Department of Transportation.”

EMPLOYEE ASSAULT PREVENTION AND RESPONSE PLANS

Pub. L. 115-254, div. B, title V, §551, Oct. 5, 2018, 132 Stat. 3378, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], each air carrier operating under part 121 of title 14, Code of Federal Regulations (in this section referred to as a ‘part 121 air carrier’), shall submit to the Administrator [of the Federal Aviation Administration] for review and acceptance an Employee Assault Prevention and Response Plan related to the customer service agents of the air carrier and that is developed in consultation with the labor union representing such agents.

“(b) CONTENTS OF PLAN.—An Employee Assault Prevention and Response Plan submitted under subsection (a) shall include the following:

“(1) Reporting protocols for air carrier customer service agents who have been the victim of a verbal or physical assault.

“(2) Protocols for the immediate notification of law enforcement after an incident of verbal or physical assault committed against an air carrier customer service agent.

“(3) Protocols for informing Federal law enforcement with respect to violations of section 46503 of title 49, United States Code.

“(4) Protocols for ensuring that a passenger involved in a violent incident with a customer service agent of an air carrier is not allowed to move through airport security or board an aircraft until appropriate law enforcement has had an opportunity to assess the incident and take appropriate action.

“(5) Protocols for air carriers to inform passengers of Federal laws protecting Federal, airport, and air carrier employees who have security duties within an airport.

“(c) EMPLOYEE TRAINING.—A part 121 air carrier shall conduct initial and recurrent training for all employees, including management, of the air carrier with respect to the plan required under subsection (a), which shall include training on de-escalating hostile situations, written protocols on dealing with hostile situations, and the reporting of relevant incidents.

“(d) STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—

“(1) complete a study of crimes of violence (as defined in section 16 of title 18, United States Code) committed against airline customer service representatives while they are performing their duties and on airport property; and

“(2) submit the findings of the study, including any recommendations, to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives].

“(e) GAP ANALYSIS.—The study required under subsection (d) shall include a gap analysis to determine if State and local laws and resources are adequate to deter or otherwise address the crimes of violence described in subsection (a) and recommendations on how to address any identified gaps.”

TRANSPORTATION SECURITY LABORATORY

Pub. L. 115-254, div. K, title I, §1915, Oct. 5, 2018, 132 Stat. 3555, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Secretary [of Homeland Security], in consultation with the Administrator [of the Transportation Security Administration] and the Undersecretary for Science and Technology—

“(1) shall conduct a review to determine whether the TSA [Transportation Security Administration] is the most appropriate component within the Department [of Homeland Security] to administer the Transportation Security Laboratory; and

“(2) may direct the TSA to administer the Transportation Security Laboratory if the review under paragraph (1) identifies the TSA as the most appropriate component.

“(b) PERIODIC REVIEWS.—The Secretary shall periodically review the screening technology test and evaluation process conducted at the Transportation Security Laboratory to improve the coordination, collaboration, and communication between the Transportation Security Laboratory and the TSA to identify factors contributing to acquisition inefficiencies, develop strategies to reduce acquisition inefficiencies, facilitate more expeditious initiation and completion of testing, and identify how laboratory practices can better support acquisition decisions.

“(c) REPORTS.—The Secretary shall report the findings of each review under this section to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives].”

PILOT PROGRAM FOR AUTOMATED EXIT LANE TECHNOLOGY

Pub. L. 115-254, div. K, title I, §1920, Oct. 5, 2018, 132 Stat. 3560, provided that:

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall establish a pilot program to implement and evaluate the use of automated exit lane technology at small hub airports and nonhub airports (as those terms are defined in section 40102 of title 49, United States Code).

“(b) PARTNERSHIP.—The Administrator shall carry out the pilot program in partnership with the applicable airport directors.

“(c) COST SHARE.—The Federal share of the cost of the pilot program under this section shall not exceed 85 percent of the total cost of the program.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the pilot program under this section \$15,000,000 for each of fiscal years 2019 through 2021.

“(e) GAO REPORT.—Not later than 2 years after the date the pilot program is implemented, the Comptroller General of the United States shall submit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a report on the pilot program, including—

“(1) the extent of airport participation in the pilot program and how the program was implemented;

“(2) the results of the pilot program and any reported benefits, including the impact on security and any cost-related efficiencies realized by TSA [Trans-

portation Security Administration] or at the participating airports; and

“(3) the feasibility of expanding the pilot program to additional airports, including to medium and large hub airports.”

#### SECURING AIRPORT WORKER ACCESS POINTS

Pub. L. 115–254, div. K, title I, §1934, Oct. 5, 2018, 132 Stat. 3572, provided that:

“(a) COOPERATIVE EFFORTS TO ENHANCE AIRPORT SECURITY AWARENESS.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall consult with air carriers, foreign air carriers, airport operators, and labor unions representing credentialed employees to enhance security awareness of credentialed airport populations regarding insider threats to aviation security and best practices related to airport access controls.

“(b) CREDENTIALING STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with air carriers, foreign air carriers, airport operators, and labor unions representing credentialed employees, shall assess credentialing standards, policies, and practices, including implementation of relevant credentialing updates required under the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615) [see Tables for classification], to ensure that insider threats to aviation security are adequately addressed.

“(c) SIDA APPLICATIONS.—

“(1) SOCIAL SECURITY NUMBERS REQUIRED.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall revise the application submitted by an individual applying for a credential granting access to the Secure Identification Area of an airport to require the social security number of such individual in order to strengthen security vetting effectiveness.

“(B) FAILURE TO PROVIDE NUMBER.—An applicant who does not provide such applicant’s social security number may be denied such a credential.

“(2) SCREENING NOTICE.—The Administrator shall issue requirements for an airport operator to include in each application for access to a Security Identification Display Area notification to the applicant that an employee holding a credential granting access to a Security Identification Display Area may be screened at any time while gaining access to, working in, or leaving a Security Identification Display Area.

“(d) SECURED AND STERILE AREAS OF AIRPORTS.—The Administrator shall consult with airport operators and airline operators to identify advanced technologies, including biometric identification technologies, that could be used for securing employee access to the secured areas and sterile areas of airports.

“(e) RAP BACK VETTING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall identify and submit to the appropriate committees of Congress the number of credentialed aviation worker populations at airports that are continuously vetted through the Federal Bureau of Investigation’s Rap Back Service, consistent with section 3405(b)(2) of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44901 note).

“(f) INSIDER THREAT EDUCATION AND MITIGATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall identify means of enhancing the TSA’s ability to leverage the resources of the Department and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) to educate Administration personnel on insider threats to aviation security and how the TSA can better mitigate such insider threats.

“(g) EMPLOYEE INSPECTIONS.—Consistent with the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615), the Administrator shall ensure that TSA-led, random employee physical inspection efforts of aviation workers are targeted, strategic,

and focused on providing the greatest level of security effectiveness.

“(h) COVERT TESTING.—

“(1) IN GENERAL.—Consistent with the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190; 130 Stat. 615), the Administrator shall continue to conduct covert testing of TSA-led employee inspection operations at airports and measure existing levels of security effectiveness.

“(2) REQUIREMENTS.—The Administrator shall provide—

“(A) the results of such testing to—

“(i) the airport operator for the airport that is the subject of any such testing; and

“(ii) as appropriate, to air carriers and foreign air carriers that operate at the airport that is the subject of such testing; and

“(B) recommendations and technical assistance for air carriers, foreign air carriers, and airport operators to conduct their own employee inspections, as needed.

“(3) ANNUAL REPORTING.—The Administrator shall for each of fiscal years 2019 through 2021, submit to the appropriate committees of Congress a report on the frequency, methodology, strategy, and effectiveness of employee inspection operations at airports.

“(i) CENTRALIZED DATABASE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator, in consultation with ASAC, shall—

“(A) subject to paragraph (2), establish a national, centralized database of the names of each individual who—

“(i) has had an airport-issued badge revoked for failure to comply with aviation security requirements; or

“(ii) has had an aircraft operator-issued badge revoked for failure to comply with aviation security requirements;

“(B) determine the appropriate reporting mechanisms for air carriers, foreign air carriers, and airport operators—

“(i) to submit to the Administration data regarding an individual described in subparagraph (A); and

“(ii) to access the database; and

“(C) establish a process to allow an individual whose name is mistakenly entered into the database to correct the record and have the individual’s name expunged from the database.

“(2) LIMITATION.—The database shall not include the name of any individual whose badge has been revoked as a result of a termination or cessation of employment unrelated to—

“(A) a violation of a security requirement; or

“(B) a determination that the individual poses a threat to aviation security.”

[For definitions of terms used in section 1934 of Pub. L. 115–254, set out above, see section 1902 of Pub. L. 115–254, set out as a Definitions of Terms in Title I of Div. K of Pub. L. 115–254 note under section 101 of this title.]

#### LAW ENFORCEMENT OFFICER REIMBURSEMENT PROGRAM

Pub. L. 115–254, div. K, title I, §1935, Oct. 5, 2018, 132 Stat. 3574, provided that:

“(a) IN GENERAL.—In accordance with section 44903(c)(1) of title 49, United States Code, the Administrator [of the Transportation Security Administration] shall increase the number of awards, and the total funding amount of each award, under the Law Enforcement Officer Reimbursement Program—

“(1) to increase the presence of law enforcement officers in the public areas of airports, including baggage claim, ticket counters, and nearby roads;

“(2) to increase the presence of law enforcement officers at screening checkpoints;

“(3) to reduce the response times of law enforcement officers during security incidents; and

“(4) to provide visible deterrents to potential terrorists.

“(b) COOPERATION BY ADMINISTRATOR.—In carrying out subsection (a), the Administrator shall use the authority provided to the Administrator under section 114(m) of title 49, United States Code, that is the same authority as is provided to the Administrator of the Federal Aviation Administration under section 106(m) of that title.

“(c) ADMINISTRATIVE BURDENS.—The Administrator shall review the regulations and compliance policies related to the Law Enforcement Officer Reimbursement Program and, if necessary, revise such regulations and policies to reduce any administrative burdens on applicants or recipients of such awards.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 44901(h) of title 49, United States Code, \$55,000,000 for each of fiscal years 2019 through 2021.”

#### AIRPORT PERIMETER AND ACCESS CONTROL SECURITY

Pub. L. 115–254, div. K, title I, §1936, Oct. 5, 2018, 132 Stat. 3575, provided that:

##### “(a) RISK ASSESSMENTS OF AIRPORT SECURITY.—

“(1) IN GENERAL.—The Administrator [of the Transportation Security Administration] shall—

“(A) not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], update the Transportation Sector Security Risk Assessment (referred to in this section as the ‘TSSRA’); and

“(B) not later than 90 days after the date the TSSRA is updated under subparagraph (A)—

“(i) update with the most currently available intelligence information the Comprehensive Risk Assessment of Perimeter and Access Control Security (referred to in this section as the ‘Risk Assessment of Airport Security’);

“(ii) establish a regular schedule for periodic updates to the Risk Assessment of Airport Security; and

“(iii) conduct a system-wide assessment of airport access control points and airport perimeter security.

“(2) CONTENTS.—The security risk assessments required under paragraph (1)(B) shall—

“(A) include updates reflected in the TSSRA and Joint Vulnerability Assessment findings;

“(B) reflect changes to the risk environment relating to airport access control points and airport perimeters;

“(C) use security event data for specific analysis of system-wide trends related to airport access control points and airport perimeter security to better inform risk management decisions; and

“(D) consider the unique geography of and current best practices used by airports to mitigate potential vulnerabilities.

“(3) REPORT.—The Administrator shall report the results of the TSSRA and Risk Assessment of Airport Security under paragraph (1) to—

“(A) the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives];

“(B) relevant Federal departments and agencies; and

“(C) airport operators.

##### “(b) AIRPORT SECURITY STRATEGY DEVELOPMENT.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall update the 2012 National Strategy for Airport Perimeter and Access Control Security (referred to in this section as the ‘National Strategy’).

“(2) CONTENTS.—The update to the National Strategy shall include—

“(A) information from the Risk Assessment of Airport Security; and

“(B) information on—

“(i) airport security-related activities;

“(ii) the status of TSA [Transportation Security Administration] efforts to address the objectives of the National Strategy;

“(iii) finalized outcome-based performance measures and performance levels for—

“(I) each activity described in clause (i); and

“(II) each objective described in clause (ii); and

“(iv) input from airport operators.

“(3) UPDATES.—Not later than 90 days after the date the update to the National Strategy is complete, the Administrator shall establish a regular schedule for determining if and when additional updates to the strategy under paragraph (1) are necessary.”

#### TRAVELER REDRESS IMPROVEMENT

Pub. L. 115–254, div. K, title I, §1949, Oct. 5, 2018, 132 Stat. 3588, provided that:

##### “(a) REDRESS PROCESS.—

“(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], using existing resources, systems, and processes, shall ensure the availability of the Department of Homeland Security Traveler Redress Inquiry Program (referred to in this section as ‘DHS TRIP’) redress process to adjudicate an inquiry for an individual who—

“(A) is a citizen of the United States or alien lawfully admitted for permanent residence;

“(B) has filed the inquiry with DHS TRIP after receiving enhanced screening at an airport passenger security checkpoint more than 3 times in any 60-day period; and

“(C) believes the individual has been wrongly identified as being a threat to aviation security.

“(2) BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] on the implementation of the redress process required under paragraph (1).

##### “(b) PRIVACY IMPACT REVIEW AND UPDATE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review and update the Privacy Impact Assessment for the Secure Flight programs to ensure the assessment accurately reflects the operation of such programs.

“(2) PUBLIC DISSEMINATION; FORM.—The Administrator shall—

“(A) publish the Secure Flight Privacy Impact Assessment review and update required under paragraph (1) on a publicly-accessible internet webpage of the TSA [Transportation Security Administration]; and

“(B) submit the Secure Flight Privacy Impact Assessment review and update to the appropriate committees of Congress.

##### “(c) RULE REVIEW AND NOTIFICATION PROCESS.—

“(1) RULE REVIEW.—Not later than 60 days after the date of enactment of this Act, and every 120 days thereafter, the Assistant Administrator of the Office of Intelligence and Analysis of the TSA, in coordination with the entities specified in paragraph (3), shall identify and review the screening rules established by the Office of Intelligence and Analysis of [the] TSA.

“(2) NOTIFICATION PROCESS.—Not later than 2 days after the date that any change to a rule identified under paragraph (1) is made, the Assistant Administrator of the Office of Intelligence and Analysis of the TSA shall notify the entities specified in paragraph (3) of the change.

“(3) ENTITIES SPECIFIED.—The entities specified in this paragraph are as follows:

“(A) The Office of Civil Rights and Liberties, Ombudsman, and Traveler Engagement of the TSA.

“(B) The Office of Civil Rights and Liberties of the Department [of Homeland Security].

“(C) The Office of Chief Counsel of the TSA.

“(D) The Office of General Counsel of the Department.

“(E) The Privacy Office of the Administration.

“(F) The Privacy Office of the Department.

“(G) The Federal Air Marshal Service.

“(H) The Traveler Redress Inquiry Program of the Department.

“(d) FEDERAL AIR MARSHAL SERVICE COORDINATION.—

“(1) IN GENERAL.—The Administrator shall ensure that the rules identified in subsection (c) are taken into account for Federal Air Marshal mission scheduling.

“(2) REPORT.—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report on whether, and if so how, the rules identified in subsection (c) are incorporated in the risk analysis conducted during the Federal Air Marshal mission scheduling process.

“(e) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

“(1) study the rules identified under subsection (c)(1), including—

“(A) whether the rules are effective in mitigating potential threats to aviation security; and

“(B) whether, and if so how, the TSA coordinates with the Department regarding any proposed change to a rule; and

“(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1), including any recommendations.”

#### GENERAL AVIATION AIRPORTS

Pub. L. 115-254, div. K, title I, §1952, Oct. 5, 2018, 132 Stat. 3592, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘Securing General Aviation and Charter Air Carrier Service Act’.

“(b) ADVANCED PASSENGER PRESCREENING SYSTEM.—Not later than 120 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall submit to the appropriate committees of Congress a report on the status of the deployment of the advanced passenger prescreening system, and access thereto for certain aircraft charter operators, as required by section 44903(j)(2)(E) of title 49, United States Code, including—

“(1) the reasons for the delay in deploying the system; and

“(2) a detailed schedule of actions necessary for the deployment of the system.

“(c) SCREENING SERVICES OTHER THAN IN PRIMARY PASSENGER TERMINALS.—

“(1) IN GENERAL.—Subject to the provisions of this subsection, the Administrator may provide screening services to a charter air carrier in an area other than the primary passenger terminal of an applicable airport.

“(2) REQUESTS.—A request for screening services under paragraph (1) shall be made at such time, in such form, and in such manner as the Administrator may require, except that the request shall be made to the Federal Security Director for the applicable airport at which the screening services are requested.

“(3) AVAILABILITY.—A Federal Security Director may provide requested screening services under this section if the Federal Security Director determines such screening services are available.

“(4) AGREEMENTS.—

“(A) LIMITATION.—No screening services may be provided under this section unless a charter air carrier agrees in writing to compensate the TSA for all reasonable costs, including overtime, of providing the screening services.

“(B) PAYMENTS.—Notwithstanding section 3302 of title 31, United States Code, payment received under subparagraph (A) shall be credited to the account that was used to cover the cost of providing the screening services. Amounts so credited shall be merged with amounts in that account, and shall be

available for the same purposes, and subject to the same conditions and limitations, as other amounts in that account.

“(5) DEFINITIONS.—In this subsection:

“(A) APPLICABLE AIRPORT.—The term ‘applicable airport’ means an airport that—

“(i) is not a commercial service airport; and

“(ii) is receiving screening services for scheduled passenger aircraft.

“(B) CHARTER AIR CARRIER.—The term ‘charter air carrier’ has the meaning given the term in section 40102 of title 49, United States Code.

“(C) SCREENING SERVICES.—The term ‘screening services’ means the screening of passengers and property similar to the screening of passengers and property described in section 44901 of title 49, United States Code.

“(d) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall, consistent with the requirements of paragraphs (6) and (7) of section 44946(b) of title 49, United States Code, submit to the appropriate Committees of Congress an implementation plan, including an implementation schedule, for any of the following recommendations that were adopted by the ASAC and with which the Administrator has concurred before the date of the enactment of this Act:

“(1) The recommendation regarding general aviation access to Ronald Reagan Washington National Airport, as adopted on February 17, 2015.

“(2) The recommendation regarding the vetting of persons seeking flight training in the United States, as adopted on July 28, 2016.

“(3) Any other such recommendations relevant to the security of general aviation adopted before the date of the enactment of this Act.

“(e) DESIGNATED STAFFING.—The Administrator may designate 1 or more full-time employees of the TSA to liaise with, and respond to issues raised by, general aviation stakeholders.

“(f) SECURITY ENHANCEMENTS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the ASAC, shall submit to the appropriate committees of Congress a report on the feasibility of requiring a security threat assessment before an individual could obtain training from a private flight school to operate an aircraft having a maximum certificated takeoff weight of more than 12,500 pounds.”

[For definitions of terms used in section 1952 of Pub. L. 115-254, set out above, see section 1902 of Pub. L. 115-254, set out as a Definitions of Terms in Title I of Div. K of Pub. L. 115-254 note under section 101 of this title.]

#### FLIGHT DECK SAFETY AND SECURITY

Pub. L. 115-254, div. K, title I, §1961, Oct. 5, 2018, 132 Stat. 3600, provided that:

“(a) THREAT ASSESSMENT.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration], in consultation with the Administrator of the Federal Aviation Administration, shall complete a detailed threat assessment to identify any safety or security risks associated with unauthorized access to the flight decks on commercial aircraft and any appropriate measures that should be taken based on the risks.

“(b) RTCA REPORT.—The Administrator, in coordination with the Administrator of the Federal Aviation Administration, shall disseminate RTCA Document (DO-329) Aircraft Secondary Barriers and Alternative Flight Deck Security Procedure to aviation stakeholders, including air carriers and flight crew, to convey effective methods and best practices to protect the flight deck.”

#### AVIATION CYBERSECURITY

Pub. L. 115-254, div. B, title V, §509, Oct. 5, 2018, 132 Stat. 3355, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Federal Aviation Administration] shall initiate a review of the comprehensive and strategic framework of principles and policies (referred to in this section as the ‘framework’) developed pursuant to section 2111 of the FAA Extension, Safety, and Security Act of 2016 [Pub. L. 114-190] (49 U.S.C. 44903 note) [set out below].

“(b) CONTENTS.—In undertaking the review under subsection (a), the Administrator shall—

“(1) assess the degree to which the framework identifies and addresses known cybersecurity risks associated with the aviation system;

“(2) review existing short- and long-term objectives for addressing cybersecurity risks to the national airspace system; and

“(3) assess the [Federal Aviation] Administration’s level of engagement and coordination with aviation stakeholders and other appropriate agencies, organizations, or groups with which the Administration consults to carry out the framework.

“(c) UPDATES.—Upon completion of the review under subsection (a), the Administrator shall modify the framework, as appropriate, to address any deficiencies identified by the review.

“(d) REPORT TO CONGRESS.—Not later than 180 days after initiating the review required by subsection (a), the Administrator shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] a report on the results of the review, including a description of any modifications made to the framework.”

Pub. L. 114-190, title II, §2111, July 15, 2016, 130 Stat. 625, provided that:

“(a) COMPREHENSIVE AND STRATEGIC AVIATION FRAMEWORK.—

“(1) IN GENERAL.—Not later than 240 days after the date of enactment of this Act [July 15, 2016], the Administrator of the Federal Aviation Administration shall facilitate and support the development of a comprehensive and strategic framework of principles and policies to reduce cybersecurity risks to the national airspace system, civil aviation, and agency information systems using a total systems approach that takes into consideration the interactions and interdependence of different components of aircraft systems and the national airspace system.

“(2) SCOPE.—In carrying out paragraph (1), the Administrator shall—

“(A) identify and address the cybersecurity risks associated with—

“(i) the modernization of the national airspace system;

“(ii) the automation of aircraft, equipment, and technology; and

“(iii) aircraft systems, including by—

“(I) directing the Aircraft Systems Information Security Protection Working Group—

“(aa) to assess cybersecurity risks to aircraft systems;

“(bb) to review the extent to which existing rulemaking, policy, and guidance to promote safety also promote aircraft systems information security protection; and

“(cc) to provide appropriate recommendations to the Administrator if separate or additional rulemaking, policy, or guidance is needed to address cybersecurity risks to aircraft systems; and

“(II) identifying and addressing—

“(aa) cybersecurity risks associated with in-flight entertainment systems; and

“(bb) whether in-flight entertainment systems can and should be isolated and separate, such as through an air gap, under existing rulemaking, policy, and guidance;

“(B) clarify cybersecurity roles and responsibilities of offices and employees of the Federal Avia-

tion Administration, as the roles and responsibilities relate to cybersecurity at the Federal Aviation Administration;

“(C) identify and implement objectives and actions to reduce cybersecurity risks to air traffic control information systems, including actions to improve implementation of information security standards, such as those of the National Institute of Standards and Technology;

“(D) support voluntary efforts by industry, RTCA, Inc., and other standards-setting organizations to develop and identify consensus standards and best practices relating to guidance on aviation systems information security protection, consistent, to the extent appropriate, with the cybersecurity risk management activities described in section 2(e) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e));

“(E) establish guidelines for the voluntary exchange of information between and among aviation stakeholders pertaining to aviation-related cybersecurity incidents, threats, and vulnerabilities;

“(F) identify short- and long-term objectives and actions that can be taken in response to cybersecurity risks to the national airspace system; and

“(G) identify research and development activities to inform actions in response to cybersecurity risks.

“(3) IMPLEMENTATION REQUIREMENTS.—In carrying out the activities under this subsection, the Administrator shall—

“(A) coordinate with aviation stakeholders, including, at a minimum, representatives of industry, airlines, manufacturers, airports, RTCA, Inc., and unions;

“(B) consult with the heads of relevant agencies and with international regulatory authorities;

“(C) if determined appropriate, convene an expert panel or working group to identify and address cybersecurity risks; and

“(D) evaluate, on a periodic basis, the effectiveness of the principles established under this subsection.

“(b) UPDATE ON CYBERSECURITY IMPLEMENTATION PROGRESS.—Not later than 90 days after the date of enactment of this Act [July 15, 2016], the Administrator shall provide to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] an update on progress made toward the implementation of this section.

“(c) CYBERSECURITY THREAT MODEL.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Director of the National Institute of Standards and Technology, shall implement the open recommendation issued in 2015 by the Government Accountability Office to assess and research the potential cost and timetable of developing and maintaining an agencywide threat model, which shall be updated regularly, to strengthen the cybersecurity of agency systems across the Federal Aviation Administration. The Administrator shall brief the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status, results, and composition of the threat model.

“(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY INFORMATION SECURITY STANDARDS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, after consultation with the Director of the National Institute of Standards and Technology, shall transmit to the Committee on Science, Space, and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the

Committee on Commerce, Science, and Transportation of the Senate a report on—

“(1) a cybersecurity standards plan to improve implementation of the National Institute of Standards and Technology’s latest revisions to information security guidance for Federal Aviation Administration information and Federal Aviation Administration information systems within set timeframes; and

“(2) an explanation of why any such revisions are not incorporated in the plan or are not incorporated within set timeframes.

“(e) CYBERSECURITY RESEARCH AND DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with other agencies as appropriate, shall establish a cybersecurity research and development plan for the national airspace system, including—

“(1) any proposal for research and development cooperation with international partners;

“(2) an evaluation and determination of research and development needs to determine any cybersecurity risks of cabin communications and cabin information technology systems on board in the passenger domain; and

“(3) objectives, proposed tasks, milestones, and a 5-year budgetary profile.”

#### AIRPORT SECURITY

Pub. L. 114-50, Sept. 24, 2015, 129 Stat. 490, provided that:

#### “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Gerardo Hernandez Airport Security Act of 2015’.

#### “SEC. 2. DEFINITIONS.

“In this Act:

“(1) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security) of the Department of Homeland Security.

“(2) ADMINISTRATION.—The term ‘Administration’ means the Transportation Security Administration.

#### “SEC. 3. SECURITY INCIDENT RESPONSE AT AIRPORTS.

“(a) IN GENERAL.—The Assistant Secretary shall, in consultation with other Federal agencies as appropriate, conduct outreach to all airports in the United States at which the Administration performs, or oversees the implementation and performance of, security measures, and provide technical assistance as necessary, to verify such airports have in place individualized working plans for responding to security incidents inside the perimeter of the airport, including active shooters, acts of terrorism, and incidents that target passenger-screening checkpoints.

“(b) TYPES OF PLANS.—Such plans may include, but may not be limited to, the following:

“(1) A strategy for evacuating and providing care to persons inside the perimeter of the airport, with consideration given to the needs of persons with disabilities.

“(2) A plan for establishing a unified command, including identification of staging areas for non-airport-specific law enforcement and fire response.

“(3) A schedule for regular testing of communications equipment used to receive emergency calls.

“(4) An evaluation of how emergency calls placed by persons inside the perimeter of the airport will reach airport police in an expeditious manner.

“(5) A practiced method and plan to communicate with travelers and all other persons inside the perimeter of the airport.

“(6) To the extent practicable, a projected maximum timeframe for law enforcement response to active shooters, acts of terrorism, and incidents that target passenger security-screening checkpoints.

“(7) A schedule of joint exercises and training to be conducted by the airport, the Administration, other stakeholders such as airport and airline tenants, and

any relevant law enforcement, airport police, fire, and medical personnel.

“(8) A schedule for producing after-action joint exercise reports to identify and determine how to improve security incident response capabilities.

“(9) A strategy, where feasible, for providing airport law enforcement with access to airport security video surveillance systems at category X airports where those systems were purchased and installed using Administration funds.

“(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings from its outreach to airports under subsection (a), including an analysis of the level of preparedness such airports have to respond to security incidents, including active shooters, acts of terrorism, and incidents that target passenger-screening checkpoints.

#### “SEC. 4. DISSEMINATING INFORMATION ON BEST PRACTICES.

“The Assistant Secretary shall—

“(1) identify best practices that exist across airports for security incident planning, management, and training; and

“(2) establish a mechanism through which to share such best practices with other airport operators nationwide.

#### “SEC. 5. CERTIFICATION.

“Not later than 90 days after the date of enactment of this Act [Sept. 24, 2015], and annually thereafter, the Assistant Secretary shall certify in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that all screening personnel have participated in practical training exercises for active shooter scenarios.

#### “SEC. 6. REIMBURSABLE AGREEMENTS.

“Not later than 90 days after the enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an analysis of how the Administration can use cost savings achieved through efficiencies to increase over the next 5 fiscal years the funding available for checkpoint screening law enforcement support reimbursable agreements.

#### “SEC. 7. SECURITY INCIDENT RESPONSE FOR SURFACE TRANSPORTATION SYSTEMS.

“(a) IN GENERAL.—The Assistant Secretary shall, in consultation with the Secretary of Transportation, and other relevant agencies, conduct outreach to all passenger transportation agencies and providers with high-risk facilities, as identified by the Assistant Secretary, to verify such agencies and providers have in place plans to respond to active shooters, acts of terrorism, or other security-related incidents that target passengers.

“(b) TYPES OF PLANS.—As applicable, such plans may include, but may not be limited to, the following:

“(1) A strategy for evacuating and providing care to individuals, with consideration given to the needs of persons with disabilities.

“(2) A plan for establishing a unified command.

“(3) A plan for frontline employees to receive active shooter training.

“(4) A schedule for regular testing of communications equipment used to receive emergency calls.

“(5) An evaluation of how emergency calls placed by individuals using the transportation system will reach police in an expeditious manner.

“(6) A practiced method and plan to communicate with individuals using the transportation system.

“(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act [Sept. 24, 2015],

the Assistant Secretary shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings from its outreach to the agencies and providers under subsection (a), including an analysis of the level of preparedness such transportation systems have to respond to security incidents.

“(d) DISSEMINATION OF BEST PRACTICES.—The Assistant Secretary shall identify best practices for security incident planning, management, and training and establish a mechanism through which to share such practices with passenger transportation agencies nationwide.

“SEC. 8. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

“No additional funds are authorized to be appropriated to carry out this Act, and this Act shall be carried out using amounts otherwise available for such purpose.

“SEC. 9. INTEROPERABILITY REVIEW.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Sept. 24, 2015], the Assistant Secretary shall, in consultation with the Assistant Secretary of the Office of Cybersecurity and Communications, conduct a review of the interoperable communications capabilities of the law enforcement, fire, and medical personnel responsible for responding to a security incident, including active shooter events, acts of terrorism, and incidents that target passenger-screening checkpoints, at all airports in the United States at which the Administration performs, or oversees the implementation and performance of, security measures.

“(b) REPORT.—Not later than 30 days after the completion of the review, the Assistant Secretary shall report the findings of the review to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”

CABIN FLIGHT CREW PARTICIPATION IN KNOWN CREWMEMBER PILOT PROGRAM

Pub. L. 113-6, div. D, title II, Mar. 26, 2013, 127 Stat. 349, provided in part: “That the Administrator of the Transportation Security Administration shall, within 270 days of the date of enactment of this Act [Mar. 26, 2013], establish procedures allowing members of cabin flight crews of air carriers to participate in the Known Crewmember pilot program, unless the Administrator determines that meeting the requirement within this timeline is not practicable and informs the Committees on Appropriations of the Senate and House of Representatives of the basis for that determination and the new timeline for implementing the requirement”.

STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM

Pub. L. 110-53, title XVI, § 1605, Aug. 3, 2007, 121 Stat. 481, provided that:

“(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act [Aug. 3, 2007], the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a plan that—

“(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;

“(2) provides a projected timeline for each phase of testing and implementation of the system;

“(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and

“(4) describes how the system complies with section 552a of title 5, United States Code.

“(b) GAO ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that—

“(1) describes the progress made by the Transportation Security Administration in implementing the secure flight passenger pre-screening program;

“(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;

“(3) describes the Transportation Security Administration’s plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by United States Customs and Border Protection;

“(4) provides a realistic determination of when the system will be completed; and

“(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.”

PILOT PROJECT TO TEST DIFFERENT TECHNOLOGIES AT AIRPORT EXIT LANES

Pub. L. 110-53, title XVI, § 1613, Aug. 3, 2007, 121 Stat. 485, provided that:

“(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall conduct a pilot program at not more than 2 airports to identify technologies to improve security at airport exit lanes.

“(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—

“(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry;

“(2) work with airport officials to deploy such technologies in multiple configurations at a selected airport or airports at which some of the exits are not collocated with a screening checkpoint; and

“(3) ensure the level of security is at or above the level of existing security at the airport or airports where the pilot program is conducted.

“(c) REPORTS.—

“(1) INITIAL BRIEFING.—Not later than 180 days after the date of enactment of this Act [Aug. 3, 2007], the Administrator shall conduct a briefing to the congressional committees set forth in paragraph (3) that describes—

“(A) the airport or airports selected to participate in the pilot program;

“(B) the technologies to be tested;

“(C) the potential savings from implementing the technologies at selected airport exits;

“(D) the types of configurations expected to be deployed at such airports; and

“(E) the expected financial contribution from each airport.

“(2) FINAL REPORT.—Not later than 18 months after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees set forth in paragraph (3) that describes—

“(A) the changes in security procedures and technologies deployed;

“(B) the estimated cost savings at the airport or airports that participated in the pilot program; and

“(C) the efficacy and staffing benefits of the pilot program and its applicability to other airports in the United States.

“(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate;

“(B) the Committee on Appropriations of the Senate;

“(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(D) the Committee on Homeland Security of the House of Representatives; and

“(E) the Committee on Appropriations of the House of Representatives.

“(d) USE OF EXISTING FUNDS.—This section shall be executed using existing funds.”

#### SECURITY CREDENTIALS FOR AIRLINE CREWS

Pub. L. 110-53, title XVI, §1614, Aug. 3, 2007, 121 Stat. 486, provided that:

“(a) REPORT.—Not later than 180 days after the date of enactment of this Act [Aug. 3, 2007], the Administrator of the Transportation Security Administration, after consultation with airline, airport, and flight crew representatives, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration’s efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report recommendations on the feasibility of implementing the system for the domestic aviation industry beginning 1 year after the date on which the report is submitted.

“(b) BEGINNING IMPLEMENTATION.—The Administrator shall begin implementation of the system or method referred to in subsection (a) not later than 1 year after the date on which the Administrator submits the report under subsection (a).”

#### CAPPS2

Pub. L. 108-176, title VI, §607, Dec. 12, 2003, 117 Stat. 2568, provided that:

“(a) IN GENERAL.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall not implement, on other than a test basis, the computer assisted passenger prescreening system (commonly known as and in this section referred to as ‘CAPPS2’) until the Under Secretary provides to Congress a certification that—

“(1) a procedure is established enabling airline passengers, who are delayed or prohibited from boarding a flight because CAPPS2 determined that they might pose a security threat, to appeal such determination and correct information contained in CAPPS2;

“(2) the error rate of the Government and private data bases that will be used to both establish identity and assign a risk level to a passenger under CAPPS2 will not produce a large number of false positives that will result in a significant number of passengers being mistaken as a security threat;

“(3) the Under Secretary has demonstrated the efficacy and accuracy of all search tools in CAPPS2 and has demonstrated that CAPPS2 can make an accurate predictive assessment of those passengers who would constitute a security threat;

“(4) the Secretary of Homeland Security has established an internal oversight board to oversee and monitor the manner in which CAPPS2 is being implemented;

“(5) the Under Secretary has built in sufficient operational safeguards to reduce the opportunities for abuse;

“(6) substantial security measures are in place to protect CAPPS2 from unauthorized access by hackers or other intruders;

“(7) the Under Secretary has adopted policies establishing effective oversight of the use and operation of the system; and

“(8) there are no specific privacy concerns with the technological architecture of the system.

“(b) GAO REPORT.—Not later than 90 days after the date on which certification is provided under subsection (a), the Comptroller General shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate that assesses the impact of CAPPS2 on the issues listed in subsection (a) and on privacy and civil liberties. The report shall include any recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effect of CAPPS2 on privacy, discrimination, and other civil liberties.”

#### REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES

Pub. L. 108-176, title VIII, §821, Dec. 12, 2003, 117 Stat. 2594, provided that: “The Secretary of Homeland Security, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for—

- “(1) the screening of catering supplies; and
- “(2) checking documents at security checkpoints.”

#### IMPROVED FLIGHT DECK INTEGRITY MEASURES

Pub. L. 107-71, title I, §104, Nov. 19, 2001, 115 Stat. 605, provided that:

“(a) IN GENERAL.—As soon as possible after the date of enactment of this Act [Nov. 19, 2001], the Administrator of the Federal Aviation Administration shall—

“(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

“(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation that are required to have a door between the passenger and pilot compartments under title 14, Code of Federal Regulations, except to authorized persons;

“(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

“(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit access and egress by authorized persons; and

“(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

“(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the aircraft.

“(b) IMPLEMENTATION OF OTHER METHODS.—As soon as possible after such date of enactment [Nov. 19, 2001], the Administrator of the Federal Aviation Administration may develop and implement methods—

“(1) to use video monitors or other devices to alert pilots in the flight deck to activity in the cabin, except that the use of such monitors or devices shall be subject to nondisclosure requirements applicable to cockpit video recordings under section 1114(c) [of title 49];

“(2) to ensure continuous operation of an aircraft transponder in the event of an emergency; and

“(3) to revise the procedures by which cabin crews of aircraft can notify flight deck crews of security breaches and other emergencies, including providing for the installation of switches or other devices or methods in an aircraft cabin to enable flight crews to discreetly notify the pilots in the case of a security breach occurring in the cabin.

“(c) COMMUTER AIRCRAFT.—The Administrator shall investigate means of securing the flight deck of sched-



uled passenger aircraft operating in air transportation or intrastate air transportation that do not have a rigid fixed door with a lock between the passenger compartment and the flight deck and issue such an order as the Administrator deems appropriate to ensure the inaccessibility, to the greatest extent feasible, of the flight deck while the aircraft is so operating, taking into consideration such aircraft operating in regions where there is minimal threat to aviation security or national security.”

#### SMALL AND MEDIUM AIRPORTS

Pub. L. 107-71, title I, §106(b), Nov. 19, 2001, 115 Stat. 609, provided that:

“(1) TECHNICAL SUPPORT AND FINANCIAL ASSISTANCE.—The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall develop a plan to—

“(A) provide technical support to airports, each of which had less than 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available, to enhance security operations; and

“(B) provide financial assistance to those airports to defray the costs of enhancing security.

“(2) REMOVAL OF CERTAIN RESTRICTIONS.—

“(A) CERTIFICATION BY OPERATOR.—If the operator of an airport described in paragraph (1), after consultation with the appropriate State and local law enforcement authorities, determines that safeguards are in place to sufficiently protect public safety, and so certifies in writing to the Under Secretary, then any security rule, order, or other directive restricting the parking of passenger vehicles shall not apply at that airport after the applicable time period specified in subparagraph (B), unless the Under Secretary, taking into account individual airport circumstances, notifies the airport operator that the safeguards in place do not adequately respond to specific security risks and that the restriction must be continued in order to ensure public safety.

“(B) COUNTERMAND PERIOD.—The time period within which the Secretary may notify an airport operator, after receiving a certification under subparagraph (A), that a restriction must be continued in order to ensure public safety at the airport is—

“(i) 15 days for a nonhub airport (as defined in section 41714(h) of title 49, United States Code);

“(ii) 30 days for a small hub airport (as defined in such section);

“(iii) 60 days for a medium hub airport (as defined in such section); and

“(iv) 120 days for an airport that had at least 1 percent of the total annual enplanements in the United States for the most recent calendar year for which data is available.”

#### AIRPORT SECURITY AWARENESS PROGRAMS

Pub. L. 107-71, title I, §106(e), Nov. 19, 2001, 115 Stat. 610, provided that: “The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall require scheduled passenger air carriers, and airports in the United States described in section 44903(c) [of title 49] to develop security awareness programs for airport employees, ground crews, gate, ticket, and curbside agents of the air carriers, and other individuals employed at such airports.”

#### AIRLINE COMPUTER RESERVATION SYSTEMS

Pub. L. 107-71, title I, §117, Nov. 19, 2001, 115 Stat. 624, provided that: “In order to ensure that all airline computer reservation systems maintained by United States air carriers are secure from unauthorized access by persons seeking information on reservations, passenger manifests, or other nonpublic information, the Secretary of Transportation shall require all such air carriers to utilize to the maximum extent practicable the best technology available to secure their computer reservation system against such unauthorized access.”

#### AUTHORIZATION OF FUNDS FOR REIMBURSEMENT OF AIRPORTS FOR SECURITY MANDATES

Pub. L. 107-71, title I, §121, Nov. 19, 2001, 115 Stat. 630, provided that:

“(a) AIRPORT SECURITY.—There is authorized to be appropriated to the Secretary of Transportation for fiscal years 2002 and 2003 a total of \$1,500,000,000 to reimburse airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers for direct costs incurred by such operators to comply with new, additional, or revised security requirements imposed on such operators by the Federal Aviation Administration or Transportation Security Administration on or after September 11, 2001. Such sums shall remain available until expended.

“(b) DOCUMENTATION OF COSTS; AUDIT.—The Secretary may not reimburse an airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers under this section for any cost for which the airport operator, on-airport parking lot, or vendor of on-airfield direct services does not demonstrate to the satisfaction of the Secretary, using sworn financial statements or other appropriate data, that—

“(1) the cost is eligible for reimbursement under subsection (a); and

“(2) the cost was incurred by the airport operator, on-airport parking lot, or vendor of on-airfield direct services to air carriers.

The Inspector General of the Department of Transportation and the Comptroller General of the United States may audit such statements and may request any other information necessary to conduct such an audit.

“(c) CLAIM PROCEDURE.—Within 30 days after the date of enactment of this Act [Nov. 19, 2001], the Secretary, after consultation with airport operators, on-airport parking lots, and vendors of on-airfield direct services to air carriers, shall publish in the Federal Register the procedures for filing claims for reimbursement under this section of eligible costs incurred by airport operators.”

#### FLIGHT DECK SECURITY

Pub. L. 107-71, title I, §128, Nov. 19, 2001, 115 Stat. 633, which authorized the pilot of a passenger aircraft to carry a firearm into the cockpit if approved by the Under Secretary of Transportation for Security and the air carrier, if the firearm is approved by the Under Secretary, and if the pilot has received proper training, was repealed by Pub. L. 107-296, title XIV, §1402(b)(2), Nov. 25, 2002, 116 Stat. 2305.

#### CHARTER AIR CARRIERS

Pub. L. 107-71, title I, §132(a), Nov. 19, 2001, 115 Stat. 635, which provided that within 90 days after Nov. 19, 2001, the Under Secretary of Transportation for Security was to implement an aviation security program for charter air carriers with a maximum certificated take-off weight of 12,500 pounds or more, was repealed by Pub. L. 108-176, title VI, §606(b), Dec. 12, 2003, 117 Stat. 2568.

#### PHYSICAL SECURITY FOR ATC FACILITIES

Pub. L. 106-528, §5, Nov. 22, 2000, 114 Stat. 2521, provided that:

“(a) IN GENERAL.—In order to ensure physical security at Federal Aviation Administration staffed facilities that house air traffic control systems, the Administrator of the Federal Aviation Administration shall act immediately to—

“(1) correct physical security weaknesses at air traffic control facilities so the facilities can be granted physical security accreditation not later than April 30, 2004; and

“(2) ensure that follow-up inspections are conducted, deficiencies are promptly corrected, and accreditation is kept current for all air traffic control facilities.

“(b) REPORTS.—Not later than April 30, 2001, and annually thereafter through April 30, 2004, the Adminis-

trator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress being made in improving the physical security of air traffic control facilities, including the percentage of such facilities that have been granted physical security accreditation.”

DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS

Pub. L. 106-181, title V, §512, Apr. 5, 2000, 114 Stat. 142, provided that:

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) AIRCRAFT.—The term ‘aircraft’ has the meaning given that term in section 40102 of title 49, United States Code.

“(2) AIR TRANSPORTATION.—The term ‘air transportation’ has the meaning given that term in such section.

“(3) PROGRAM.—The term ‘program’ means the program established under subsection (b)(1)(A).

“(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE LOCAL LAW ENFORCEMENT OFFICERS.—

“(1) IN GENERAL.—The Attorney General may—

“(A) establish a program under which the Attorney General may deputize State and local law enforcement officers having jurisdiction over airports and airport authorities as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers in air transportation; and

“(B) encourage the participation of law enforcement officers of State and local governments in the program.

“(2) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

“(A) the United States Government (including the Administrator [of the Federal Aviation Administration] or a designated representative of the Administrator); and

“(B) State and local governments in any geographic area in which the program may operate.

“(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

“(A) IN GENERAL.—Under the program, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

“(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

“(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

“(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The United States Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the United States Government established to provide training to law enforcement officers of the United States Government.

“(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

“(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a pro-

vision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46318, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

“(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

“(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program shall not—

“(A) be considered to be an employee of the United States Government; or

“(B) receive compensation from the United States Government by reason of service as a Deputy United States Marshal under the program.

“(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

“(1) grant a State or local law enforcement officer that is deputized under the program the power to enforce any Federal law that is not described in subsection (c); or

“(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the officer’s capacity under any other applicable State or Federal law.

“(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

“(f) NOTIFICATION OF CONGRESS.—Not later than 90 days after the date of the enactment of this Act [Apr. 5, 2000], the Attorney General shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on whether or not the Attorney General intends to establish the program authorized by this section.”

DEVELOPMENT OF AVIATION SECURITY LIAISON AGREEMENT

Pub. L. 104-264, title III, §309, Oct. 9, 1996, 110 Stat. 3253, provided that: “The Secretary of Transportation and the Attorney General, acting through the Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation, shall enter into an interagency agreement providing for the establishment of an aviation security liaison at existing appropriate Federal agencies’ field offices in or near cities served by a designated high-risk airport.”

DEFINITIONS OF TERMS IN PUB. L. 107-71

For definitions of terms used in sections 104, 106(b), (e), 117, 121, 128, and 132(a) of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.

**§ 44904. Domestic air transportation system security**

(a) ASSESSING THREATS.—The Administrator of the Transportation Security Administration and the Director of the Federal Bureau of Investigation jointly shall assess current and potential threats to the domestic air transportation system. The assessment shall include consideration of the extent to which there are individuals with the capability and intent to carry out terrorist or related unlawful acts against that system and the ways in which those individuals might carry out those acts. The Administrator of the Transportation Security Administration and the Director jointly shall decide on and carry out the most effective method for continuous analysis and monitoring of security threats to that system.

(b) ASSESSING SECURITY.—In coordination with the Director, the Administrator of the Transpor-

tation Security Administration shall carry out periodic threat and vulnerability assessments on security at each airport that is part of the domestic air transportation system. Each assessment shall include consideration of—

- (1) the adequacy of security procedures related to the handling and transportation of checked baggage and cargo;
- (2) space requirements for security personnel and equipment;
- (3) separation of screened and unscreened passengers, baggage, and cargo;
- (4) separation of the controlled and uncontrolled areas of airport facilities; and
- (5) coordination of the activities of security personnel of the Transportation Security Administration, the United States Customs Service, the Immigration and Naturalization Service, and air carriers, and of other law enforcement personnel.

(c) MODAL SECURITY PLAN FOR AVIATION.—In addition to the requirements set forth in subparagraphs (B) through (F) of section 114(s)(3), the modal security plan for aviation prepared under section 114(s) shall—

- (1) establish a damage mitigation and recovery plan for the aviation system in the event of a terrorist attack; and
- (2) include a threat matrix document that outlines each threat to the United States civil aviation system and the corresponding layers of security in place to address such threat.

(d) OPERATIONAL CRITERIA.—The Administrator of the Transportation Security Administration shall issue operational criteria to protect airport infrastructure and operations against the threats identified in the plans prepared under section 114(s)(1) and shall approve best practices guidelines for airport assets.

(e) IMPROVING SECURITY.—The Administrator of the Transportation Security Administration shall take necessary actions to improve domestic air transportation security by correcting any deficiencies in that security discovered in the assessments, analyses, and monitoring carried out under this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1207; Pub. L. 107–71, title I, §101(f)(1), (7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 108–458, title IV, §4001(b), Dec. 17, 2004, 118 Stat. 3712; Pub. L. 115–254, div. K, title I, §1991(d)(4), Oct. 5, 2018, 132 Stat. 3632.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44904(a) .....	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101–604, §106(a), (b), 104 Stat. 3075.
44904(b) .....	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101–604, §106(c), 104 Stat. 3075.
44904(c) .....	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101–604, §106(e), 104 Stat. 3075.

In subsection (a), the words “domestic air transportation system” are substituted for “domestic aviation system” for consistency in this section.

In subsection (b), before clause (1), the word “Director” is substituted for “Federal Bureau of Investigation” because of 28:532. In clauses (1) and (3), the word “mail” is omitted as being included in “cargo”.

In subsection (c), the word “correcting” is substituted for “remedying” for clarity.

## Editorial Notes

### AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(4)(D), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(4)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in first sentence.

Subsec. (c). Pub. L. 115–254, §1991(d)(4)(B), substituted “section 114(s)(3)” for “section 114(t)(3)” and “section 114(s)” for “section 114(t)” in introductory provisions.

Subsec. (d). Pub. L. 115–254, §1991(d)(4)(C), substituted “The Administrator of the Transportation Security Administration” for “Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114(t)(4)(A), the Assistant Secretary of Homeland Security (Transportation Security Administration)” and “section 114(s)(1)” for “section 114(t)(1)”.

2004—Subsecs. (c) to (e). Pub. L. 108–458 added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

2001—Subsec. (a). Pub. L. 107–71, §101(f)(7), (9), substituted “Under Secretary” for “Administrator” in two places and “of Transportation for Security” for “of the Federal Aviation Administration”.

Subsec. (b). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions.

Subsec. (b)(5). Pub. L. 107–71, §101(f)(1), substituted “the Transportation Security Administration” for “the Administration”.

Subsec. (c). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

## Statutory Notes and Related Subsidiaries

### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

### ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

### REGULAR JOINT THREAT ASSESSMENTS

Pub. L. 104–264, title III, §310, Oct. 9, 1996, 110 Stat. 3253, provided that: “The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation shall carry out joint threat and vulnerability assessments on security every 3 years, or more frequently, as necessary, at each airport determined to be high risk.”

## § 44905. Information about threats to civil aviation

(a) PROVIDING INFORMATION.—Under guidelines the Administrator of the Transportation Security Administration prescribes, an air carrier, airport operator, ticket agent, or individual em-

ployed by an air carrier, airport operator, or ticket agent, receiving information (except a communication directed by the United States Government) about a threat to civil aviation shall provide the information promptly to the Administrator.

(b) FLIGHT CANCELLATION.—If a decision is made that a particular threat cannot be addressed in a way adequate to ensure, to the extent feasible, the safety of passengers and crew of a particular flight or series of flights, the Administrator of the Transportation Security Administration shall cancel the flight or series of flights.

(c) GUIDELINES ON PUBLIC NOTICE.—(1) The President shall develop guidelines for ensuring that public notice is provided in appropriate cases about threats to civil aviation. The guidelines shall identify officials responsible for—

(A) deciding, on a case-by-case basis, if public notice of a threat is in the best interest of the United States and the traveling public;

(B) ensuring that public notice is provided in a timely and effective way, including the use of a toll-free telephone number; and

(C) canceling the departure of a flight or series of flights under subsection (b) of this section.

(2) The guidelines shall provide for consideration of—

(A) the specificity of the threat;

(B) the credibility of intelligence information related to the threat;

(C) the ability to counter the threat effectively;

(D) the protection of intelligence information sources and methods;

(E) cancellation, by an air carrier or the Administrator of the Transportation Security Administration, of a flight or series of flights instead of public notice;

(F) the ability of passengers and crew to take steps to reduce the risk to their safety after receiving public notice of a threat; and

(G) other factors the Administrator of the Transportation Security Administration considers appropriate.

(d) GUIDELINES ON NOTICE TO CREWS.—The Administrator of the Transportation Security Administration shall develop guidelines for ensuring that notice in appropriate cases of threats to the security of an air carrier flight is provided to the flight crew and cabin crew of that flight.

(e) LIMITATION ON NOTICE TO SELECTIVE TRAVELERS.—Notice of a threat to civil aviation may be provided to selective potential travelers only if the threat applies only to those travelers.

(f) RESTRICTING ACCESS TO INFORMATION.—In cooperation with the departments, agencies, and instrumentalities of the Government that collect, receive, and analyze intelligence information related to aviation security, the Administrator of the Transportation Security Administration shall develop procedures to minimize the number of individuals who have access to information about threats. However, a restriction on access to that information may be imposed only if the restriction does not diminish the ability of the Government to carry out its duties and powers related to aviation security effectively,

including providing notice to the public and flight and cabin crews under this section.

(g) DISTRIBUTION OF GUIDELINES.—The guidelines developed under this section shall be distributed for use by appropriate officials of the Department of Transportation, the Department of State, the Department of Justice, and air carriers.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1207; Pub. L. 107–71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, §1991(d)(5), Oct. 5, 2018, 132 Stat. 3632.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44905(a) .....	49 App.:1358d(a).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §321; added Nov. 16, 1990, Pub. L. 101–604, §109(a), 104 Stat. 3078.
44905(b) .....	49 App.:1358d(b).	
44905(c)(1) ..	49 App.:1358d(c)(1), (d).	
44905(c)(2) ..	49 App.:1358d(e).	
44905(d) .....	49 App.:1358d(c)(2).	
44905(e) .....	49 App.:1358d(f).	
44905(f) .....	49 App.:1358d(h).	
44905(g) .....	49 App.:1358d(g).	

In subsection (a), the words “employed by an air carrier, airport operator, or ticket agent” are substituted for “employed by such an entity” for clarity. The words “or a designee of the Secretary” are omitted as unnecessary.

In subsections (c)(1), before clause (A), and (d), the words “Not later than 180 days after November 16, 1990” are omitted as obsolete.

In subsection (c)(1)(B), the words “when considered appropriate” are omitted as unnecessary because of the restatement.

In subsection (e), the words “selective potential travelers” are substituted for “only selective potential travelers” to eliminate an unnecessary word.

In subsection (f), the words “departments, agencies, and instrumentalities of the Government” are substituted for “agencies” for clarity and consistency in the revised title and with other titles of the United States Code. The words “However, a restriction on access to that information may be imposed only if the restriction does not diminish” are substituted for “Any restriction adopted pursuant to this subsection shall not diminish” for clarity.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–254, §1991(d)(5)(A), substituted “Administrator of the Transportation Security Administration” for “Secretary of Transportation” and “Administrator.” for “Secretary.”

Subsec. (b). Pub. L. 115–254, §1991(d)(5)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsecs. (c)(2)(E), (G), (d), (f). Pub. L. 115–254, §1991(d)(5)(C), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

2001—Subsec. (b). Pub. L. 107–71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

Subsecs. (c)(2)(E), (G), (d), (f). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

§ 44906. Foreign air carrier security programs

The Administrator of the Transportation Security Administration shall continue in effect

the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator shall not approve a security program of a foreign air carrier under section 129.25, or any successor regulation, unless the security program requires the foreign air carrier in its operations to and from airports in the United States to adhere to the identical security measures that the Administrator requires air carriers serving the same airports to adhere to. The foregoing requirement shall not be interpreted to limit the ability of the Administrator to impose additional security measures on a foreign air carrier or an air carrier when the Administrator determines that a specific threat warrants such additional measures. The Administrator shall prescribe regulations to carry out this section.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1208; Pub. L. 104–132, title III, §322, Apr. 24, 1996, 110 Stat. 1254; Pub. L. 107–71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115–254, div. K, title I, §1991(d)(6), Oct. 5, 2018, 132 Stat. 3632.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44906(a)(1) ..	49 App.:1357(k)(1)–(3).  49 App.:1357 (note).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(k)(1)–(3); added Nov. 16, 1990, Pub. L. 101–604, §105(a), 104 Stat. 3074. Nov. 16, 1990, Pub. L. 101–604, §105(c), 104 Stat. 3075.

The text of 49 App.:1357(k)(3) and the words “Not later than 180 days after the date of enactment of this Act” in section 105(c) of the Aviation Security Improvement Act of 1990 (Public Law 101–604, 104 Stat. 3075) are omitted as obsolete.

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115–254 substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” and, wherever appearing, “Administrator” for “Under Secretary”.

2001—Pub. L. 107–71 substituted “Under Secretary” for “Administrator” wherever appearing and “of Transportation for Security” for “of the Federal Aviation Administration”.

1996—Pub. L. 104–132 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 129.25 of title 14, Code of Federal Regulations, that a foreign air carrier must adopt and use a security program approved by the Administrator. The Administrator may approve a security program of a foreign air carrier under section 129.25 only if the Administrator decides the security program provides passengers of the foreign air carrier a level of protection similar to the level those passengers would receive under the security programs of air carriers serving the same airport. The Administrator shall require a foreign air carrier to use procedures equivalent to those required of air carriers serving the same airport if the Administrator decides that the procedures are necessary to provide a level of protection similar to that provided passengers of the air carriers serving the same airport. The Administrator shall prescribe regulations to carry out this section.”

#### § 44907. Security standards at foreign airports

(a) ASSESSMENT.—(1) At intervals the Secretary of Transportation considers necessary, the Secretary shall assess the effectiveness of the security measures maintained at—

(A) a foreign airport—

(i) served by an air carrier;

(ii) from which a foreign air carrier serves the United States; or

(iii) that poses a high risk of introducing danger to international air travel; and

(B) other foreign airports the Secretary considers appropriate.

(2) The Secretary of Transportation shall conduct an assessment under paragraph (1) of this subsection—

(A) in consultation with appropriate aeronautic authorities of the government of a foreign country concerned and each air carrier serving the foreign airport for which the Secretary is conducting the assessment;

(B) to establish the extent to which a foreign airport effectively maintains and carries out security measures, including the screening and vetting of airport workers; and

(C) by using a standard that will result in an analysis of the security measures at the airport based at least on the standards and appropriate recommended practices contained in Annex 17 to the Convention on International Civil Aviation in effect on the date of the assessment.

(3) Each report to Congress required under section 44938(b) of this title shall contain a summary of the assessments conducted under this subsection.

(b) CONSULTATION.—In carrying out subsection (a) of this section, the Secretary of Transportation shall consult with the Secretary of State—

(1) on the terrorist threat that exists in each country; and

(2) to establish which foreign airports are not under the de facto control of the government of the foreign country in which they are located and pose a high risk of introducing danger to international air travel.

(c) NOTIFYING FOREIGN AUTHORITIES.—When the Secretary of Transportation, after conducting an assessment under subsection (a) of this section, decides that an airport does not maintain and carry out effective security measures, the Secretary of Transportation, after advising the Secretary of State, shall notify the appropriate authorities of the government of the foreign country of the decision and recommend the steps necessary to bring the security measures in use at the airport up to the standard used by the Secretary of Transportation in making the assessment.

(d) ACTIONS WHEN AIRPORTS NOT MAINTAINING AND CARRYING OUT EFFECTIVE SECURITY MEASURES.—(1) When the Secretary of Transportation decides under this section that an airport does not maintain and carry out effective security measures—

(A) the Secretary of Transportation shall—

(i) publish the identity of the airport in the Federal Register;

- (ii) have the identity of the airport posted and displayed prominently at all United States airports at which scheduled air carrier operations are provided regularly; and
- (iii) notify the news media of the identity of the airport;

(B) each air carrier and foreign air carrier providing transportation between the United States and the airport shall provide written notice of the decision, on or with the ticket, to each passenger buying a ticket for transportation between the United States and the airport;

(C) notwithstanding section 40105(b) of this title, the Secretary of Transportation, after consulting with the appropriate aeronautic authorities of the foreign country concerned and each air carrier serving the airport and with the approval of the Secretary of State, may withhold, revoke, or prescribe conditions on the operating authority of an air carrier or foreign air carrier that uses that airport to provide foreign air transportation; and

(D) the President may prohibit an air carrier or foreign air carrier from providing transportation between the United States and any other foreign airport that is served by aircraft flying to or from the airport with respect to which a decision is made under this section.

(2)(A) Paragraph (1) of this subsection becomes effective—

(i) 90 days after the government of a foreign country is notified under subsection (c) of this section if the Secretary of Transportation finds that the government has not brought the security measures at the airport up to the standard the Secretary used in making an assessment under subsection (a) of this section; or

(ii) immediately on the decision of the Secretary of Transportation under subsection (c) of this section if the Secretary of Transportation decides, after consulting with the Secretary of State, that a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from the airport.

(B) The Secretary of Transportation immediately shall notify the Secretary of State of a decision under subparagraph (A)(ii) of this paragraph so that the Secretary of State may issue a travel advisory required under section 44908(a) of this title.

(3) The Secretary of Transportation promptly shall submit to Congress a report (and classified annex if necessary) on action taken under paragraph (1) or (2) of this subsection, including information on attempts made to obtain the cooperation of the government of a foreign country in meeting the standard the Secretary used in assessing the airport under subsection (a) of this section.

(4) An action required under paragraph (1)(A) and (B) of this subsection is no longer required only if the Secretary of Transportation, in consultation with the Secretary of State, decides that effective security measures are maintained and carried out at the airport. The Secretary of Transportation shall notify Congress when the action is no longer required to be taken.

(e) **SUSPENSIONS.**—Notwithstanding sections 40105(b) and 40106(b) of this title, the Secretary of Transportation, with the approval of the Secretary of State and without notice or a hearing, shall suspend the right of an air carrier or foreign air carrier to provide foreign air transportation, and the right of a person to operate aircraft in foreign air commerce, to or from a foreign airport when the Secretary of Transportation decides that—

(1) a condition exists that threatens the safety or security of passengers, aircraft, or crew traveling to or from that airport; and

(2) the public interest requires an immediate suspension of transportation between the United States and that airport.

(f) **CONDITION OF CARRIER AUTHORITY.**—This section is a condition to authority the Secretary of Transportation grants under this part to an air carrier or foreign air carrier.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1209; Pub. L. 115–254, div. K, title I, §1954, Oct. 5, 2018, 132 Stat. 3595.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44907(a)(1) ..	49 App.:1515(a)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1115(a), (b), (d)–(h); added Aug. 5, 1974, Pub. L. 93–366, §106, 88 Stat. 414; restated Aug. 8, 1985, Pub. L. 99–83, §551(a), 99 Stat. 222.
44907(a)(2) ..	49 App.:1515(a)(2), (3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1115(c); added Aug. 5, 1974, Pub. L. 93–366, §106, 88 Stat. 414; restated Aug. 8, 1985, Pub. L. 99–83, §551(a), 99 Stat. 222; Nov. 16, 1990, Pub. L. 101–604, §102(c)(2), 104 Stat. 3069.
44907(a)(3) ..	49 App.:1515(c).	
44907(b) .....	49 App.:1515(b).	
44907(c) .....	49 App.:1515(d).	
44907(d)(1) ..	49 App.:1515(e)(2).	
44907(d)(2) ..	49 App.:1515(e)(1).	
44907(d)(3) ..	49 App.:1515(e)(3).	
44907(d)(4) ..	49 App.:1515(f).	
44907(e) .....	49 App.:1515(g).	
44907(f) .....	49 App.:1515(h).	

In subsections (a)(2)(A) and (d)(2)(A)(i) and (3), the words “government of a foreign country” are substituted for “foreign government” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(2)(B), the word “foreign” is added for clarity and consistency in this section.

In subsection (b)(2), the word “foreign” is added for consistency in the revised title and with other titles of the Code.

In subsection (c), 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.

In subsection (d)(1), before clause (A), the words “Subject to paragraph (1)” are omitted as surplus. In clause (C), the words “foreign country” are substituted for “foreign government” for clarity and consistency in the revised title and with other titles of the Code. The word “prescribe” is substituted for “impose” for consistency in the revised title and with other titles of the Code. The word “provide” is substituted for “engage in” for consistency in the revised title. In clause (D), the words “directly or indirectly” are omitted as surplus.

In subsection (d)(2)(A)(i), the words “identified” and “of such airport” are omitted as surplus.

In subsection (d)(2)(B), the words “issue a travel advisory required under section 44908(a) of this title” are substituted for “comply with the requirement of section 1515(a) [sic] of this Appendix that a travel advisory be issued” to eliminate unnecessary words.

In subsection (d)(4), the words “An action required . . . is no longer required” are substituted for “The sanctions required to be imposed with respect to an airport . . . may be lifted” to eliminate unnecessary words.

In subsection (e), before clause (1), the word “provide” is substituted for “engage in” for consistency in the revised title.

In subsection (f), the words “issued under authority vested in” are omitted as surplus.

### Editorial Notes

#### AMENDMENTS

2018—Subsec. (a)(2)(B). Pub. L. 115-254 inserted “, including the screening and vetting of airport workers” after “security measures”.

### Statutory Notes and Related Subsidiaries

#### LAST POINT OF DEPARTURE AIRPORTS; SECURITY DIRECTIVES

Pub. L. 115-254, div. K, title I, §1953, Oct. 5, 2018, 132 Stat. 3594, provided that:

“(a) NOTICE AND CONSULTATION.—

“(1) IN GENERAL.—The Administrator [of the Transportation Security Administration] shall, to the maximum extent practicable, consult and notify the following stakeholders prior to making changes to security standards via security directives and emergency amendments for last points of departure:

“(A) Trade association representatives, for affected air carriers and airports, who hold the appropriate security clearances.

“(B) The head of each relevant Federal department or agency, including the Administrator of the Federal Aviation Administration.

“(2) TRANSMITTAL TO CONGRESS.—Not later than 3 days after the date that the Administrator issues a security directive or emergency amendment for a last point of departure, the Administrator shall transmit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a description of the extent to which the Administrator consulted and notified the stakeholders under paragraph (1).

“(b) GAO REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Comptroller General of the United States shall review the effectiveness of the TSA [Transportation Security Administration] process to update, consolidate, or revoke security directives, emergency amendments, and other policies related to international aviation security at last point of departure airports and submit to the appropriate committees of Congress and the Administrator a report on the findings and recommendations.

“(2) CONTENTS.—In conducting the review under paragraph (1), the Comptroller General shall—

“(A) review current security directives, emergency amendments, and any other policies related to international aviation security at last point of departure airports;

“(B) review the extent of intra-agency and inter-agency coordination, stakeholder outreach, coordination, and feedback; and

“(C) review TSA’s process and criteria for, and implementation of, updating or revoking the policies described in subparagraph (A).

“(c) RESCREENING.—Subject to section 44901(d)(4)(c) [sic] of title 49, United States Code, upon discovery of

specific threat intelligence, the Administrator shall immediately direct TSA personnel to rescreen passengers and baggage arriving from an airport outside the United States and identify enhanced measures that should be implemented at that airport.

“(d) NOTIFICATION TO CONGRESS.—Not later than 1 day after the date that the Administrator determines that a foreign air carrier is in violation of part 1546 of title 49, Code of Federal Regulations, or any other applicable security requirement, the Administrator shall notify the appropriate committees of Congress.

“(e) DECISIONS NOT SUBJECT TO JUDICIAL REVIEW.—Notwithstanding any other provision of law, any decision of the Administrator under subsection (a)(1) relating to consultation or notification shall not be subject to judicial review.”

### § 44908. Travel advisory and suspension of foreign assistance

(a) TRAVEL ADVISORIES.—On being notified by the Administrator of the Transportation Security Administration that the Administrator of the Transportation Security Administration has decided under section 44907(d)(2)(A)(ii) of this title that a condition exists that threatens the security of passengers, aircraft, or crew traveling to or from a foreign airport that the Administrator of the Transportation Security Administration has decided under section 44907 of this title does not maintain and carry out effective security measures, the Secretary of State—

- (1) immediately shall issue a travel advisory for that airport; and
- (2) shall publicize the advisory widely.

(b) SUSPENDING ASSISTANCE.—The President shall suspend assistance provided under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Arms Export Control Act (22 U.S.C. 2751 et seq.) to a country in which is located an airport with respect to which section 44907(d)(1) of this title becomes effective if the Secretary of State decides the country is a high terrorist threat country. The President may waive this subsection if the President decides, and reports to Congress, that the waiver is required because of national security interests or a humanitarian emergency.

(c) ACTIONS NO LONGER REQUIRED.—An action required under this section is no longer required only if the Administrator of the Transportation Security Administration has made a decision as provided under section 44907(d)(4) of this title. The Administrator shall notify Congress when the action is no longer required to be taken.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1211; Pub. L. 105-277, div. G, subdiv. B, title XXII, §2224(a), Oct. 21, 1998, 112 Stat. 2681-819; Pub. L. 115-254, div. K, title I, §1991(d)(7), Oct. 5, 2018, 132 Stat. 3632.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44908(a) .....	49 App.:1515a(a).	Aug. 8, 1985, Pub. L. 99-83, §552, 99 Stat. 226.
44908(b) .....	49 App.:1515a(b).	
44908(c) .....	49 App.:1515a(c), (d).	

In subsection (a)(3), the words “take the necessary steps to” are omitted as surplus.

In subsection (b), the words “all” and “the requirements of” are omitted as surplus.

Subsection (c) is substituted for 49 App.:1515a(c) and (d) to eliminate unnecessary words.

**Editorial Notes**

## REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

The Arms Export Control Act, referred to in subsec. (b), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of Title 22. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

## AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(7)(A), (B), in introductory provisions, substituted “Administrator of the Transportation Security Administration” for “Secretary of Transportation” wherever appearing and struck out “safety or” before “security of passengers”.

Subsec. (c). Pub. L. 115-254, §1991(d)(7)(A), (C), substituted “Administrator of the Transportation Security Administration” for “Secretary of Transportation” and “The Administrator” for “The Secretary”.

1998—Subsec. (a). Pub. L. 105-277 inserted “and” at end of par. (1), redesignated par. (3) as (2), and struck out former par. (2) which read as follows: “shall publish the advisory in the Federal Register; and”.

**§ 44909. Passenger manifests**

(a) AIR CARRIER REQUIREMENTS.—(1) The Secretary of Transportation shall require each air carrier to provide a passenger manifest for a flight to an appropriate representative of the Secretary of State—

(A) not later than one hour after that carrier is notified of an aviation disaster outside the United States involving that flight; or

(B) if it is not technologically feasible or reasonable to comply with clause (A) of this paragraph, then as expeditiously as possible, but not later than 3 hours after the carrier is so notified.

(2) The passenger manifest should include the following information:

(A) the full name of each passenger.

(B) the passport number of each passenger, if required for travel.

(C) the name and telephone number of a contact for each passenger.

(3) In carrying out this subsection, the Secretary of Transportation shall consider the necessity and feasibility of requiring air carriers to collect passenger manifest information as a condition for passengers boarding a flight of the carrier.

(b) FOREIGN AIR CARRIER REQUIREMENTS.—The Secretary of Transportation shall consider imposing a requirement on foreign air carriers comparable to that imposed on air carriers under subsection (a)(1) and (2) of this section.

(c) FLIGHTS IN FOREIGN AIR TRANSPORTATION TO THE UNITED STATES.—

(1) IN GENERAL.—Each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to the Commissioner of U.S. Customs and Border Protection by electronic transmission a passenger and crew manifest containing the information specified in para-

graph (2). Carriers may use the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) to provide the information required by the preceding sentence.

(2) INFORMATION.—A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:

(A) The full name of each passenger and crew member.

(B) The date of birth and citizenship of each passenger and crew member.

(C) The sex of each passenger and crew member.

(D) The passport number and country of issuance of each passenger and crew member if required for travel.

(E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.

(F) Such other information as the Administrator of the Transportation Security Administration, in consultation with the Commissioner of U.S. Customs and Border Protection, determines is reasonably necessary to ensure aviation safety.

(3) PASSENGER NAME RECORDS.—The carriers shall make passenger name record information available to the Customs Service upon request.

(4) TRANSMISSION OF MANIFEST.—Subject to paragraphs (5) and (6), a passenger and crew manifest required for a flight under paragraph (1) shall be transmitted to the Customs Service in advance of the aircraft landing in the United States in such manner, time, and form as the Customs Service prescribes.

(5) TRANSMISSION OF MANIFESTS TO OTHER FEDERAL AGENCIES.—Upon request, information provided to the Administrator of the Transportation Security Administration or the Customs Service under this subsection may be shared with other Federal agencies for the purpose of protecting national security.

(6) PRESCREENING INTERNATIONAL PASSENGERS.—

(A) IN GENERAL.—The Secretary of Homeland Security, or the designee of the Secretary, shall issue a notice of proposed rulemaking that will allow the Department of Homeland Security to compare passenger information for any international flight to or from the United States against the consolidated and integrated terrorist watchlist maintained by the Federal Government before departure of the flight.

(B) APPEAL PROCEDURES.—

(i) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals identified as a threat under subparagraph (A) to appeal to the Department of Homeland Security the determination and correct any erroneous information.

(ii) RECORDS.—The process shall include the establishment of a method by which the Secretary of Homeland Security will be able to maintain a record of air passengers and other individuals who have been misidentified and have corrected erroneous information. To prevent repeated



delays of misidentified passengers and other individuals, the Department of Homeland Security record shall contain information determined by the Secretary of Homeland Security to authenticate the identity of such a passenger or individual.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1211; Pub. L. 106–181, title VII, §718, Apr. 5, 2000, 114 Stat. 163; Pub. L. 107–71, title I, §115, Nov. 19, 2001, 115 Stat. 623; Pub. L. 108–458, title IV, §4012(a)(2), Dec. 17, 2004, 118 Stat. 3717; Pub. L. 114–125, title VIII, §802(d)(2), Feb. 24, 2016, 130 Stat. 210; Pub. L. 115–254, div. K, title I, §1991(d)(8), Oct. 5, 2018, 132 Stat. 3633.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44909(a)(1) ..	49 App.:1380(a).	Aug. 23, 1958, Pub. L. 85–726, §410, 72 Stat. 769; Oct. 15, 1962, Pub. L. 87–820, §8, 76 Stat. 936; restated Nov. 16, 1990, Pub. L. 101–604, §203(a), 104 Stat. 3082.
44909(a)(2) ..	49 App.:1380(b).	
44909(a)(3) ..	49 App.:1380 (note).	Nov. 16, 1990, Pub. L. 101–604, §203(b), 104 Stat. 3082.
44909(b) .....	49 App.:1380 (note).	Nov. 16, 1990, Pub. L. 101–604, §203(c), 104 Stat. 3083.

In subsection (a)(1), before clause (A), the words “each air carrier” are substituted “all United States air carriers” because of the definition of “air carrier” in section 40102(a) of the revised title. The words “an appropriate representative of the Secretary of State” are substituted for “appropriate representatives of the United States Department of State” because of 22:2651 and for consistency in the revised title and with other titles of the United States Code. In clause (B), the words “to comply with clause (A) of this paragraph” are substituted for “to fulfill the requirement of this subsection” for consistency in the revised title and with other titles of the Code.

In subsection (a)(2), before clause (B), the words “For purposes of this section” are omitted as unnecessary.

In subsection (a)(3), the words “In carrying out this subsection” are substituted for “In implementing the requirement pursuant to the amendment made by subsection (a) of this section” for clarity and to eliminate unnecessary words.

In subsection (b), the word “imposing” is added for clarity. The words “imposed on air carriers under subsection (a)(1) and (2) of this section” are substituted for “imposed pursuant to the amendment made by subsection (a)” for clarity and because of the restatement.

#### Editorial Notes

##### AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115–254, §1991(d)(8)(A), substituted “The” for “Not later than March 16, 1991, the” in introductory provisions.

Subsec. (c)(1). Pub. L. 115–254, §1991(d)(8)(B)(i), substituted “Each” for “Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each”.

Subsec. (c)(2)(F), (5). Pub. L. 115–254, §1991(d)(8)(B)(ii), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (c)(6)(A). Pub. L. 115–254, §1991(d)(8)(B)(iii)(I), substituted “The” for “Not later than 60 days after date of enactment of this paragraph, the”.

Subsec. (c)(6)(B)(ii). Pub. L. 115–254, §1991(d)(8)(B)(iii)(II), substituted “the Secretary of Homeland Security will” for “the Secretary will” and “the Secretary of Homeland Security to” for “the Secretary to”.

2004—Subsec. (c)(4). Pub. L. 108–458, §4012(a)(2)(A), substituted “paragraphs (5) and (6),” for “paragraph (5),”.

Subsec. (c)(6). Pub. L. 108–458, §4012(a)(2)(B), added par. (6).

2001—Subsec. (c). Pub. L. 107–71 which directed the addition of subsec. (c) to section 44909, without specifying the Code title to be amended, was executed by making the addition to this section, to reflect the probable intent of Congress.

2000—Subsec. (a)(2). Pub. L. 106–181 substituted “should” for “shall” in introductory provisions.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in subsec. (c)(1) and (2)(F) on authority of section 802(d)(2) of Pub. L. 114–125, set out as a note under section 211 of Title 6, Domestic Security.

##### 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.

##### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 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. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107–296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114–125, and section 802(b) of Pub. L. 114–125, set out as a note under section 211 of Title 6.

#### § 44910. Agreements on aircraft sabotage, aircraft hijacking, and airport security

The Secretary of State shall seek multilateral and bilateral agreement on strengthening enforcement measures and standards for compliance related to aircraft sabotage, aircraft hijacking, and airport security.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1212.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44910 .....	49 App.:1515 (note).	Aug. 8, 1985, Pub. L. 99–83, §556, 99 Stat. 227.

#### § 44911. Intelligence

(a) DEFINITION.—In this section, “intelligence community” means the intelligence and intelligence-related activities of the following units of the United States Government:

- (1) the Department of State.
- (2) the Department of Defense.
- (3) the Department of the Treasury.
- (4) the Department of Energy.
- (5) the Departments of the Army, Navy, and Air Force.
- (6) the Central Intelligence Agency.
- (7) the National Security Agency.
- (8) the Defense Intelligence Agency.
- (9) the Federal Bureau of Investigation.

(10) the Drug Enforcement Administration.

(b) POLICIES AND PROCEDURES ON REPORT AVAILABILITY.—The head of each unit in the intelligence community shall prescribe policies and procedures to ensure that intelligence reports about terrorism are made available, as appropriate, to the heads of other units in the intelligence community, the Secretary of Transportation, and the Administrator of the Transportation Security Administration.

(c) UNIT FOR STRATEGIC PLANNING ON TERRORISM.—The heads of the units in the intelligence community shall place greater emphasis on strategic intelligence efforts by establishing a unit for strategic planning on terrorism.

(d) DESIGNATION OF INTELLIGENCE OFFICER.—At the request of the Secretary of Homeland Security, the Director of Central Intelligence shall designate at least one intelligence officer of the Central Intelligence Agency to serve in a senior position in the Office of the Secretary.

(e) WRITTEN WORKING AGREEMENTS.—The heads of units in the intelligence community, the Secretary of Homeland Security, and the Administrator of the Transportation Security Administration shall review and, as appropriate, revise written working agreements between the intelligence community and the Administrator of the Transportation Security Administration.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1212; Pub. L. 107–71, title I, §§101(f)(7), (9), 102(b), (c), Nov. 19, 2001, 115 Stat. 603, 605; Pub. L. 115–254, div. K, title I, §1991(d)(9), Oct. 5, 2018, 132 Stat. 3633.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44911(a) .....	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(e), 104 Stat. 3080.
44911(b) .....	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(a), 104 Stat. 3080.
44911(c) .....	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(b), 104 Stat. 3080.
44911(d) .....	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(c), 104 Stat. 3080.
44911(e) .....	49 App.:1358d (note).	Nov. 16, 1990, Pub. L. 101–604, §111(d), 104 Stat. 3080.

In this section, the word “units” is substituted for “agencies” for consistency in the revised title and with other titles of the United States Code.

In subsections (b) and (e), the words “Not later than 180 days after the date of enactment of this Act” in section 111(a) and (d) of the Aviation Security Improvement Act of 1990 (Public Law 101–640, 104 Stat. 3080) are omitted as obsolete.

In subsection (b), the words “the heads of other units in the intelligence community, the Secretary of Transportation, and the Administrator of the Federal Aviation Administration” are substituted for “other members of the intelligence community, the Department of Transportation, and the Federal Aviation Administration” for clarity and consistency in the revised title and with other titles of the Code.

In subsections (c) and (e), the words “heads of units in the intelligence community” are substituted for “intelligence community” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (e), the words “memorandums of understanding” are omitted as being included in “written working agreements”.

Editorial Notes

AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254, §1991(d)(9)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsec. (d). Pub. L. 115–254, §1991(d)(9)(B), substituted “request of the Secretary of Homeland Security” for “request of the Secretary”.

Subsec. (e). Pub. L. 115–254, §1991(d)(9)(C), substituted “Secretary of Homeland Security, and the Administrator of the Transportation Security Administration” for “Secretary, and the Under Secretary” and “intelligence community and the Administrator of the Transportation Security Administration” for “intelligence community and the Under Secretary”.

2001—Subsec. (b). Pub. L. 107–71, §102(b), struck out “international” before “terrorism”.

Pub. L. 107–71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

Subsec. (c). Pub. L. 107–71, §102(c), substituted “place” for “consider placing”.

Subsec. (e). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 3001 of Title 50, War and National Defense.

§ 44912. Research and development

(a) PROGRAM REQUIREMENT.—(1) The Administrator shall establish and carry out a program to accelerate and expand the research, development, and implementation of technologies and procedures to counteract terrorist acts against civil aviation. The program shall provide for developing and having in place new equipment and procedures necessary to meet the technological challenges presented by terrorism. The program shall include research on, and development of, technological improvements and ways to enhance human performance.

(2) In designing and carrying out the program established under this subsection, the Administrator shall—

(A) consult and coordinate activities with other departments, agencies, and instrumentalities of the United States Government doing similar research;

(B) identify departments, agencies, and instrumentalities that would benefit from that research; and

(C) seek cost-sharing agreements with those departments, agencies, and instrumentalities.

(3) In carrying out the program established under this subsection, the Administrator shall review and consider the annual reports the Secretary of Transportation submits to Congress on transportation security and intelligence.

(4)(A) In carrying out the program established under this subsection, the Administrator shall

designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Administrator a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

(i) progress made in engineering, research, and development with respect to security technology;

(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.

(5) The Administrator may—

(A) make grants to institutions of higher learning and other appropriate research facilities with demonstrated ability to carry out research described in paragraph (1) of this subsection, and fix the amounts and terms of the grants; and

(B) make cooperative agreements with governmental authorities the Administrator decides are appropriate.

(b) REVIEW OF THREATS.—(1) The Administrator shall periodically review threats to civil aviation, with particular focus on—

(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

(ii) the disruption of civil aviation service, including by cyber attack;

(B) explosive material that presents the most significant threat to civil aircraft;

(C) the minimum amounts, configurations, and types of explosive material that can cause, or would reasonably be expected to cause, catastrophic damage to aircraft in air transportation;

(D) the amounts, configurations, and types of explosive material that can be detected reliably by existing, or reasonably anticipated, near-term explosive detection technologies;

(E) the potential release of chemical, biological, or similar weapons or devices either within an aircraft or within an airport;

(F) the feasibility of using various ways to minimize damage caused by explosive material that cannot be detected reliably by existing, or reasonably anticipated, near-term explosive detection technologies;

(G) the ability to screen passengers, carry-on baggage, checked baggage, and cargo; and

(H) the technologies that might be used in the future to attempt to destroy or otherwise

threaten commercial aircraft and the way in which those technologies can be countered effectively.

(2) The Administrator shall use the results of the review under this subsection to develop the focus and priorities of the program established under subsection (a) of this section.

(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

(i) the development and testing of effective explosive detection systems;

(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

(iv) other scientific and technical areas the Administrator considers appropriate.

(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

(4) Biennially, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.

(d) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—

(1) IN GENERAL.—The Administrator 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.

(2) DISCLOSURE.—

(A) IN GENERAL.—Notwithstanding section 552 of title 5, the Administrator shall prescribe regulations prohibiting disclosure of information obtained or developed in ensuring security under this title if the Secretary of Homeland Security decides disclosing the information would—

(i) be an unwarranted invasion of personal privacy;

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

(iii) be detrimental to transportation safety.

(B) INFORMATION TO CONGRESS.—Subparagraph (A) does not authorize information to be withheld from a committee of Congress authorized to have the information.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) 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)—

- (i) to conceal a violation of law, inefficiency, or administrative error;
- (ii) to prevent embarrassment to a person, organization, or agency;
- (iii) to restrain competition; or
- (iv) 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.

(D) PRIVACY ACT.—Section 552a of title 5 shall not apply to disclosures that the Administrator of the Transportation Security Administration may make from the systems of records of the Transportation Security 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.

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

(e) DEFINITION OF ADMINISTRATOR.—In this section, the term “Administrator” means the Administrator of the Transportation Security Administration.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1212; Pub. L. 107–71, title I, §§101(f)(7), (9), 112, Nov. 19, 2001, 115 Stat. 603, 620; Pub. L. 115–254, div. K, title I, §1991(d)(10), Oct. 5, 2018, 132 Stat. 3633.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44912(a) .....	49 App.:1357(d)(3)(A), (D), (4)–(7).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §316(d)(3)–(8); added Nov. 16, 1990, Pub. L. 101–604, §107, 104 Stat. 3076.
44912(b) .....	49 App.:1357(d)(3)(B), (C).	
44912(c) .....	49 App.:1357(d)(8).	

In subsection (a)(1), the words “It shall be the purpose of the program established under paragraph (3)” and “established under paragraph (3)” are omitted as unnecessary.

In subsection (a)(2)(A), the word “activities” is added for clarity. The words “departments, agencies, and instrumentalities of the United States Government” are substituted for “Federal agencies” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(4), the words “The Administrator may . . . make grants” are substituted for “Amounts appropriated for each fiscal year under paragraph (9) shall be made available by the Administrator, by way of grants” to eliminate unnecessary words. In clause

(A), the words “institutions of higher learning” are substituted for “colleges, universities”, and the word “institutions” is substituted for “institutions and facilities”, for clarity and consistency in the revised title and with other titles of the Code. In clause (B), the words “governmental authorities” are substituted for “governmental entities” for consistency in the revised title and with other titles of the Code.

In subsection (b)(1), before clause (A), the words “Not later than 180 days after November 16, 1990” are omitted as obsolete. Clause (B) is substituted for 49 App.:1357(d)(3)(B)(ii) and (iii) for clarity and to eliminate unnecessary words.

In subsection (b)(1)(E), the word “mail” is omitted as being included in “cargo”.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(10)(C), substituted “Administrator” for “Under Secretary” wherever appearing in subssecs. (a) to (c).

Subsec. (a)(1). Pub. L. 115–254, §1991(d)(10)(A)(i), substituted “Administrator” for “Under Secretary of Transportation for Security” and struck out “, not later than November 16, 1993,” after “in place”.

Subsec. (a)(4)(C). Pub. L. 115–254, §1991(d)(10)(A)(ii), substituted “Administrator” for “Research, Engineering and Development Advisory Committee” in introductory provisions.

Subsec. (c)(1). Pub. L. 115–254, §1991(d)(10)(B)(i), struck out “, as a subcommittee of the Research, Engineering, and Development Advisory Committee,” after “panel”.

Subsec. (c)(4). Pub. L. 115–254, §1991(d)(10)(B)(ii), substituted “Biennially,” for “Not later than 90 days after the date of the enactment of the Aviation and Transportation Security Act, and every two years thereafter,”.

Subsecs. (d), (e). Pub. L. 115–254, §1991(d)(10)(D), added subssecs. (d) and (e).

2001—Subsec. (a)(1). Pub. L. 107–71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

Subsec. (a)(2), (3). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (a)(4). Pub. L. 107–71, §112(b)(1)(B), added par. (4). Former par. (4) redesignated (5).

Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Subsec. (a)(5). Pub. L. 107–71, §112(b)(1)(A), redesignated par. (4) as (5).

Subsec. (b)(1). Pub. L. 107–71, §§101(f)(7), 112(a)(1), in introductory provisions, substituted “Under Secretary” for “Administrator” and “periodically review” for “complete an intensive review of”.

Subsec. (b)(1)(A). Pub. L. 107–71, §112(b)(2)(B), added subpar. (A). Former subpar. (A) redesignated (B).

Subsec. (b)(1)(B). Pub. L. 107–71, §112(b)(2)(A), redesignated subpar. (A) as (B). Former subpar. (B) redesignated (C).

Pub. L. 107–71, §112(a)(2), substituted “aircraft in air transportation;” for “commercial aircraft in service and expected to be in service in the 10-year period beginning on November 16, 1990;”.

Subsec. (b)(1)(C). Pub. L. 107–71, §112(b)(2)(A), redesignated subpar. (B) as (C). Former subpar. (C) redesignated (D).

Subsec. (b)(1)(D). Pub. L. 107–71, §112(b)(2)(A), redesignated subpar. (C) as (D). Former subpar. (D) redesignated (E).

Pub. L. 107–71, §112(a)(3), added subpar. (D). Former subpar. (D) redesignated (E).

Subsec. (b)(1)(E) to (G). Pub. L. 107–71, §112(b)(2)(A), redesignated subpars. (D) to (F) as (E) to (G), respectively. Former subpar. (G) redesignated (H).

Pub. L. 107–71, §112(a)(3), redesignated subpars. (D) to (F) as (E) to (G), respectively.

Subsec. (b)(1)(H). Pub. L. 107-71, §112(b)(2)(A), redesignated subpar. (G) as (H).

Subsec. (b)(2). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (c). Pub. L. 107-71, §112(b)(3), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering and Development Advisory Committee, to review, comment on, advise on the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft by the next generation of terrorist weapons. The panel shall consist of individuals with scientific and technical expertise in—

“(1) the development and testing of effective explosive detection systems;

“(2) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective technology must be capable of detecting;

“(3) technologies involved in minimizing airframe damage to aircraft from explosives; and

“(4) other scientific and technical areas the Administrator considers appropriate.”

### Statutory Notes and Related Subsidiaries

#### INNOVATION TASK FORCE

Pub. L. 115-254, div. K, title I, §1916, Oct. 5, 2018, 132 Stat. 3556, provided that:

“(a) IN GENERAL.—The Administrator shall establish an innovation task force—

“(1) to cultivate innovations in transportation security;

“(2) to develop and recommend how to prioritize and streamline requirements for new approaches to transportation security;

“(3) to accelerate the development and introduction of new innovative transportation security technologies and improvements to transportation security operations; and

“(4) to provide industry with access to the airport environment during the technology development and assessment process to demonstrate the technology and to collect data to understand and refine technical operations and human factor issues.

“(b) ACTIVITIES.—The task force shall—

“(1) conduct activities to identify and develop an innovative technology, emerging security capability, or process designed to enhance transportation security, including—

“(A) by conducting a field demonstration of such a technology, capability, or process in the airport environment;

“(B) by gathering performance data from such a demonstration to inform the acquisition process; and

“(C) by enabling a small business with an innovative technology or emerging security capability, but less than adequate resources, to participate in such a demonstration;

“(2) conduct at least quarterly collaboration meetings with industry, including air carriers, airport operators, and other transportation security stakeholders to highlight and discuss best practices on innovative security operations and technology evaluation and deployment; and

“(3) submit to the appropriate committees of Congress an annual report on the effectiveness of key performance data from task force-sponsored projects and checkpoint enhancements.

“(c) COMPOSITION.—

“(1) APPOINTMENT.—The Administrator, in consultation with the Chairperson of ASAC shall appoint the members of the task force.

“(2) CHAIRPERSON.—The task force shall be chaired by the Administrator’s designee.

“(3) REPRESENTATION.—The task force shall be comprised of representatives of—

“(A) the relevant offices of the TSA;

“(B) if considered appropriate by the Administrator, the Science and Technology Directorate of the Department of Homeland Security;

“(C) any other component of the Department of Homeland Security that the Administrator considers appropriate; and

“(D) such industry representatives as the Administrator considers appropriate.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the acquisition or deployment of an innovative technology, emerging security capability, or process identified, developed, or recommended under this section.

“(e) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.] shall not apply to the task force established under this section.”

[For definitions of terms used in section 1916 of Pub. L. 115-254, set out above, see section 1902 of Pub. L. 115-254, set out as a Definitions of Terms in Title I of Div. K of Pub. L. 115-254 note under section 101 of this title.]

#### RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY

Pub. L. 107-71, title I, §137, Nov. 19, 2001, 115 Stat. 637, as amended by Pub. L. 110-53, title XVI, §1608, Aug. 3, 2007, 121 Stat. 484, provided that:

“(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional \$50,000,000 for each of fiscal years 2006 through 2011 and such sums as are necessary for each fiscal year thereafter to the Transportation Security Administration, for research, development, testing, and evaluation of the following technologies which may enhance transportation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2006 through 2011 for—

“(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

“(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Transportation Security Administration;

“(B) faster, to facilitate screening of all checked baggage at larger airports; or

“(C) more accurate, to reduce the number of false positives requiring additional security measures;

“(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

“(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

“(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

“(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

“(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

“(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

“(b) GRANTS.—Grants awarded under this subtitle [probably should be “this section”] shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Transportation Security Administration that shall include sufficient information to permit the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Under Secretary shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act [Nov. 19, 2001].

“(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation’s annual budget submission.

“(d) DEFENSE RESEARCH.—There is authorized to be appropriated \$20,000,000 to the Transportation Security Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

“(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

“(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

“(3) advances in biometrics for identification and threat assessment; or

“(4) other technologies for preventing acts of terrorism in aviation.”

[For definitions of terms used in section 137 of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.]

TERMINATION OF ADVISORY PANELS

Advisory panels established after Jan. 5, 1973, to terminate not later than expiration of 2-year period beginning on the date of their establishment, unless, in the case of a panel established by the President or an officer of the Federal Government, such panel is renewed by appropriate action prior to expiration of such 2-year period, or in the case of a panel established by Congress, its duration is otherwise provided for by law. See sections 1001(2) and 1013 of Title 5, Government Organization and Employees.

§ 44913. Explosive detection

(a) DEPLOYMENT AND PURCHASE OF EQUIPMENT.—(1) A deployment or purchase of explosive detection equipment under section 108.7(b)(8) or 108.20 of title 14, Code of Federal Regulations, or similar regulation is required only if the Administrator of the Transportation Security Administration (referred to in this section as “the Administrator”) certifies that the equipment alone, or as part of an integrated system, can detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Administrator shall base the certification on the results of tests conducted under protocols developed in consultation with expert scientists outside of the Transportation Security Administration. Those tests shall be completed not later than April 16, 1992.

(2) Until such time as the Administrator determines that equipment certified under paragraph (1) is commercially available and has successfully completed operational testing as provided in paragraph (1), the Administrator shall facilitate the deployment of such approved commercially available explosive detection devices as the Administrator determines will enhance aviation security significantly. The Administrator shall require that equipment deployed under this paragraph be replaced by equipment certified under paragraph (1) when equipment certified under paragraph (1) becomes commercially available. The Administrator is authorized, based on operational considerations at individual airports, to waive the required installation of commercially available equipment under paragraph (1) in the interests of aviation security. The Administrator may permit the requirements of this paragraph to be met at airports by the deployment of dogs or other appropriate animals to supplement equipment for screening passengers, baggage, mail, or cargo for explosives or weapons.

(3) This subsection does not prohibit the Administrator from purchasing or deploying explosive detection equipment described in paragraph (1) of this subsection.

(b) GRANTS.—The Administrator may provide grants to continue the Explosive Detection K-9 Team Training Program to detect explosives at airports and on aircraft.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1214; Pub. L. 104-264, title III, §305(a), Oct. 9, 1996, 110 Stat. 3252; Pub. L. 104-287, §5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 107-71, title I, §101(f)(2), (7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(11), Oct. 5, 2018, 132 Stat. 3635.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44913(a)(1) ..	49 App.:1358c(a), (b).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §320; added Nov. 16, 1990, Pub. L. 101-604, §108, 104 Stat. 3077.
44913(a)(2) ..	49 App.:1358c(c).	
44913(a)(3) ..	49 App.:1358c(d).	
44913(b) .....	49 App.:2225.	Sept. 3, 1982, Pub. L. 97-248, §529, 96 Stat. 699; Dec. 30, 1987, Pub. L. 100-223, §114, 101 Stat. 1505.

In subsection (a), the words “after November 16, 1990” are omitted as executed. The words “The Administrator shall base the certification on” are substituted for “based on” because of the restatement.

In subsection (b), the words “but not be limited to” are omitted as unnecessary.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(11)(A)(iv), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a)(1). Pub. L. 115-254, §1991(d)(11)(A)(i), substituted “Administrator of the Transportation Security Administration (referred to in this section as ‘the Administrator’)” for “Under Secretary of Transportation for Security”.

Subsec. (a)(2) to (4). Pub. L. 115-254, §1991(d)(11)(A)(ii), (iii), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as fol-

lows: “Before completion of the tests described in paragraph (1) of this subsection, but not later than April 16, 1992, the Under Secretary may require deployment of explosive detection equipment described in paragraph (1) if the Under Secretary decides that deployment will enhance aviation security significantly. In making that decision, the Under Secretary shall consider factors such as the ability of the equipment alone, or as part of an integrated system, to detect under realistic air carrier operating conditions the amounts, configurations, and types of explosive material that would likely be used to cause catastrophic damage to commercial aircraft. The Under Secretary shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of a deployment decision made under this paragraph.”

Subsec. (b). Pub. L. 115-254, §1991(d)(11)(B), substituted “Administrator” for “Secretary of Transportation”.

2001—Subsec. (a)(1). Pub. L. 107-71, §101(f)(9), substituted “of Transportation for Security” for “of the Federal Aviation Administration”.

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Pub. L. 107-71, §101(f)(2), substituted “of the Transportation Security Administration” for “of the Administration” in second sentence.

Subsec. (a)(2) to (4). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” wherever appearing.

1996—Subsec. (a)(2). Pub. L. 104-287 substituted “Transportation and Infrastructure” for “Public Works and Transportation”.

Subsec. (a)(3), (4). Pub. L. 104-264 added par. (3) and redesignated former par. (3) as (4).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

##### IMPROVED EXPLOSIVE DETECTION SYSTEMS

Pub. L. 108-458, title IV, §4024, Dec. 17, 2004, 118 Stat. 3724, provided that:

“(a) PLAN AND GUIDELINES.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall develop a plan and guidelines for implementing improved explosive detection system equipment.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$100,000,000, in addition to any amounts otherwise authorized by law, for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.”

##### WEAPONS AND EXPLOSIVE DETECTION STUDY

Pub. L. 104-264, title III, §303, Oct. 9, 1996, 110 Stat. 3250, provided that:

“(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the Director of the National Academy of Sciences (or if the National Academy of Sciences is not available, the head of another equivalent entity) to conduct a study in accordance to this section.

“(b) PANEL OF EXPERTS.—

“(1) IN GENERAL.—In carrying out a study under this section, the Director of the National Academy of Sciences (or the head of another equivalent entity) shall establish a panel (hereinafter in this section referred to as the ‘panel’).

“(2) EXPERTISE.—Each member of the panel shall have expertise in weapons and explosive detection technology, security, air carrier and airport operations, or another appropriate area. The Director of the National Academy of Sciences (or the head of another equivalent entity) shall ensure that the panel has an appropriate number of representatives of the areas specified in the preceding sentence.

“(c) STUDY.—The panel, in consultation with the National Science and Technology Council, representatives of appropriate Federal agencies, and appropriate members of the private sector, shall—

“(1) assess the weapons and explosive detection technologies that are available at the time of the study that are capable of being effectively deployed in commercial aviation;

“(2) determine how the technologies referred to in paragraph (1) may more effectively be used for promotion and improvement of security at airport and aviation facilities and other secured areas;

“(3) assess the cost and advisability of requiring hardened cargo containers as a way to enhance aviation security and reduce the required sensitivity of bomb detection equipment; and

“(4) on the basis of the assessments and determinations made under paragraphs (1), (2), and (3), identify the most promising technologies for the improvement of the efficiency and cost-effectiveness of weapons and explosive detection.

“(d) COOPERATION.—The National Science and Technology Council shall take such actions as may be necessary to facilitate, to the maximum extent practicable and upon request of the Director of the National Academy of Sciences (or the head of another equivalent entity), the cooperation of representatives of appropriate Federal agencies, as provided for in subsection (c), in providing the panel, for the study under this section—

“(1) expertise; and

“(2) to the extent allowable by law, resources and facilities.

“(e) REPORTS.—The Director of the National Academy of Sciences (or the head of another equivalent entity) shall, pursuant to an arrangement entered into under subsection (a), submit to the Administrator such reports as the Administrator considers to be appropriate. Upon receipt of a report under this subsection, the Administrator shall submit a copy of the report to the appropriate committees of Congress.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1997 through 2001 such sums as may be necessary to carry out this section.”

#### § 44914. Airport construction guidelines

In consultation with the Department of Transportation, air carriers, airport authorities, and others the Administrator of the Transportation Security Administration considers appropriate, the Administrator shall develop guidelines for airport design and construction to allow for maximum security enhancement. In developing the guidelines, the Administrator shall consider the results of the assessment carried out under section 44904(a) of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1214; Pub. L. 107-71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(12), Oct. 5, 2018, 132 Stat. 3635.)

##### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44914 .....	49 App.:1357 (note). 49 App.:1432(d).	Nov. 16, 1990, Pub. L. 101-604, §106(f), 104 Stat. 3075. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §612(d); added Nov. 16, 1990, Pub. L. 101-604, §110(a), 104 Stat. 3080.

The words “In developing the guidelines” are substituted for “In developing airport construction guidelines under subsection (d) of section 612 of the Federal Aviation Act of 1958, as added by section 110 of this Act” in section 106(f) of the Aviation Security Improvement Act of 1990 (Public Law 101-604, 104 Stat. 3075) to eliminate unnecessary words.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-254 substituted “with the Department of Transportation, air carriers, airport authorities, and others the Administrator of the Transportation Security Administration” for “with air carriers, airport authorities, and others the Under Secretary of Transportation for Security” and, in two places, “Administrator” for “Under Secretary”.

2001—Pub. L. 107-71 substituted “Under Secretary” for “Administrator” wherever appearing and “of Transportation for Security” for “of the Federal Aviation Administration”.

**§ 44915. Exemptions**

The Administrator of the Transportation Security Administration may exempt from sections 44901, 44903(a)–(c) and (e), 44906, 44935, and 44936 of this title airports in Alaska served only by air carriers that—

- (1) hold certificates issued under section 41102 of this title;
- (2) operate aircraft with certificates for a maximum gross takeoff weight of less than 12,500 pounds; and
- (3) board passengers, or load property intended to be carried in an aircraft cabin, that will be screened under section 44901 of this title at another airport in Alaska before the passengers board, or the property is loaded on, an aircraft for a place outside Alaska.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1215; Pub. L. 107-71, title I, §101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(13), Oct. 5, 2018, 132 Stat. 3635.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44915 .....	49 App.:1358.	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §317; added July 12, 1976, Pub. L. 94-353, §17(a), 90 Stat. 882.

In clause (1), the word “issued” is substituted for “granted” for consistency in this part. The words “by the Civil Aeronautics Board” are omitted as surplus.

Clause (3) is substituted for 49 App.:1358 (words after 3d comma) for consistency in the revised title.

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-254 substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in introductory provisions.

2001—Pub. L. 107-71 substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration” in introductory provisions.

**§ 44916. Assessments and evaluations**

(a) PERIODIC ASSESSMENTS.—The Administrator of the Transportation Security Adminis-

tration shall require each air carrier and airport (including the airport owner or operator in cooperation with the air carriers and vendors serving each airport) that provides for intrastate, interstate, or foreign air transportation to conduct periodic vulnerability assessments of the security systems of that air carrier or airport, respectively. The Transportation Security Administration shall perform periodic audits of such assessments.

(b) INVESTIGATIONS.—The Administrator of the Transportation Security Administration shall conduct periodic and unannounced inspections of security systems of airports and air carriers to determine the effectiveness and vulnerabilities of such systems. To the extent allowable by law, the Administrator may provide for anonymous tests of those security systems.

(Added Pub. L. 104-264, title III, §312(a), Oct. 9, 1996, 110 Stat. 3253; amended Pub. L. 107-71, title I, §101(f)(3), (7), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(14), Oct. 5, 2018, 132 Stat. 3635.)

**Editorial Notes**

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(14)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsec. (b). Pub. L. 115-254, §1991(d)(14)(B), substituted “Administrator of the Transportation Security Administration shall” for “Under Secretary shall” and “Administrator may” for “Under Secretary may”.

2001—Subsec. (a). Pub. L. 107-71, §101(f)(3), substituted “Under Secretary of Transportation for Security” for “Administrator” in first sentence and “Transportation Security Administration” for “Administration” in second sentence.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

**§ 44917. Deployment of Federal air marshals**

(a) IN GENERAL.—The Administrator of the Transportation Security Administration under the authority provided by section 44903(d)—

- (1) may provide for deployment of Federal air marshals on every passenger flight of air carriers in air transportation or intrastate air transportation;
- (2) shall provide for deployment of Federal air marshals on every such flight determined by the Administrator to present high security risks;
- (3) shall provide for appropriate training, supervision, and equipment of Federal air marshals;
- (4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on



the flight and at no cost to the United States Government or the marshal;

(5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at no cost to the marshal or the United States Government if the marshal is traveling to that airport after completing his or her security duties;

(6) may enter into agreements with Federal, State, and local agencies under which appropriately-trained law enforcement personnel from such agencies, when traveling on a flight of an air carrier, will carry a firearm and be prepared to assist Federal air marshals;

(7) shall establish procedures to ensure that Federal air marshals are made aware of any armed or unarmed law enforcement personnel on board an aircraft;

(8) may appoint—

(A) an individual who is a retired law enforcement officer;

(B) an individual who is a retired member of the Armed Forces; and

(C) an individual who has been furloughed from an air carrier crew position in the 1-year period beginning on September 11, 2001,

as a Federal air marshal, regardless of age, if the individual otherwise meets the background and fitness qualifications required for Federal air marshals;

(9) shall require the Federal Air Marshal Service to utilize a risk-based strategy when allocating resources between international and domestic flight coverage, including when initially setting its annual target numbers of average daily international and domestic flights to cover;

(10) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support domestic allocation decisions;

(11) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support international allocation decisions; and

(12) shall ensure that the seating arrangements of Federal air marshals on aircraft are determined in a manner that is risk-based and most capable of responding to current threats to aviation security.

(b) **INTERIM MEASURES.**—Until the Under Secretary<sup>1</sup> completes implementation of subsection (a), the Under Secretary<sup>1</sup> may use, after consultation with and concurrence of the heads of other Federal agencies and departments, personnel from those agencies and departments, on a nonreimbursable basis, to provide air marshal service.

(c) **TRAINING FOR FOREIGN LAW ENFORCEMENT PERSONNEL.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration, after consultation with the Secretary of State, may direct the Federal Air Marshal Service to provide appropriate air marshal training to law enforcement personnel of foreign countries.

(2) **WATCHLIST SCREENING.**—The Federal Air Marshal Service may only provide appropriate air marshal training to law enforcement per-

sonnel of foreign countries after comparing the identifying information and records of law enforcement personnel of foreign countries against all appropriate records in the consolidated and integrated terrorist watchlists maintained by the Federal Government.

(3) **FEES.**—The Administrator of the Transportation Security Administration shall establish reasonable fees and charges to pay expenses incurred in carrying out this subsection. Funds collected under this subsection shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Administrator of the Transportation Security Administration for purposes for which amounts in such account are available.

(Added Pub. L. 107-71, title I, §105(a), Nov. 19, 2001, 115 Stat. 606; amended Pub. L. 108-458, title IV, §4018, Dec. 17, 2004, 118 Stat. 3721; Pub. L. 115-254, div. K, title I, §§1959(c)(5), (d)(1), 1991(d)(15), Oct. 5, 2018, 132 Stat. 3599, 3635.)

### Editorial Notes

#### AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(15)(A)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in introductory provisions.

Subsec. (a)(2). Pub. L. 115-254, §1991(d)(15)(A)(ii), substituted “by the Administrator” for “by the Secretary”.

Subsec. (a)(9) to (12). Pub. L. 115-254, §1959(d)(1), added pars. (9) to (12).

Subsec. (b). Pub. L. 115-254, §1959(c)(5), redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “In making the determination under subsection (a)(2), nonstop, long distance flights, such as those targeted on September 11, 2001, should be a priority.”

Subsec. (c). Pub. L. 115-254, §1959(c)(5)(B), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(1). Pub. L. 115-254, §1991(d)(15)(B)(i), which directed amendment of subsec. (d)(1) by substituting “Administrator of the Transportation Security Administration” for “Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security”, was executed to subsec. (c)(1) to reflect the probable intent of Congress and the intervening redesignation of subsec. (d) as (c) by Pub. L. 115-254, §1959(c)(5)(B). See above.

Subsec. (c)(3). Pub. L. 115-254, §1991(d)(15)(B)(ii), which directed amendment of subsec. (d)(3) by substituting “Administrator of the Transportation Security Administration” for “Assistant Secretary” in two places, was executed to subsec. (c)(3) to reflect the probable intent of Congress and the intervening redesignation of subsec. (d) as (c) by Pub. L. 115-254, §1959(c)(5)(B). See above.

Subsec. (d). Pub. L. 115-254, §1959(c)(5)(B), redesignated subsec. (d) as (c).

2004—Subsec. (d). Pub. L. 108-458 added subsec. (d).

### Statutory Notes and Related Subsidiaries

#### FEDERAL AIR MARSHAL SERVICE UPDATES

Pub. L. 115-254, div. K, title I, §1959(a)-(c)(4), Oct. 5, 2018, 132 Stat. 3598, 3599, provided that:

“(a) **STANDARDIZATION.**—

“(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall develop a standard written agreement that shall be the basis of all negotiations and agree-

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

ments that begin after the date of enactment of this Act between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States, including deployment, technical assistance, and information sharing.

“(2) WRITTEN AGREEMENTS.—Except as provided in paragraph (3), not later than 180 days after the date of enactment of this Act, all agreements between the United States and foreign governments or partners regarding the presence of Federal air marshals on flights to and from the United States shall be in writing and signed by the Administrator or other authorized United States Government representative.

“(3) EXCEPTION.—The Administrator may schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect if the Administrator determines that—

“(A) such mission is necessary for aviation security; and

“(B) the requirements of paragraph (4)(B) are met.

“(4) NOTIFICATION TO CONGRESS.—

“(A) WRITTEN AGREEMENTS.—Not later than 30 days after the date that the Administrator enters into a written agreement under this section, the Administrator shall transmit to the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] a copy of the agreement.

“(B) NO WRITTEN AGREEMENTS.—The Administrator shall submit to the appropriate committees of Congress—

“(i) not later than 30 days after the date of enactment of this Act, a list of each foreign government or partner that does not have a written agreement under this section, including an explanation for why no written agreement exists and a justification for the determination that such a mission is necessary for aviation security; and

“(ii) not later than 30 days after the date that the Administrator makes a determination to schedule Federal air marshal service on flights operating to a foreign country with which no written agreement is in effect under paragraph (3), the name of the applicable foreign government or partner, an explanation for why no written agreement exists, and a justification for the determination that such mission is necessary for aviation security.

“(b) MISSION SCHEDULING AUTOMATION.—The Administrator shall endeavor to acquire automated capabilities or technologies for scheduling Federal air marshal service missions based on current risk modeling.

“(c) IMPROVING FEDERAL AIR MARSHAL SERVICE DEPLOYMENTS.—

“(1) AFTER-ACTION REPORTS.—The Administrator shall strengthen internal controls to ensure that all after-action reports on Federal air marshal service special mission coverage provided to stakeholders include documentation of supervisory review and approval, and mandatory narratives.

“(2) STUDY.—The Administrator shall contract with an independent entity to conduct a validation and verification study of the risk analysis and risk-based determinations guiding Federal air marshal service deployment, including the use of risk-based strategies under subsection (d) [amending this section (see subsec. (a)(9) to (12) of this section) and enacting provisions set out as a note below].

“(3) COST-BENEFIT ANALYSIS.—The Administrator shall conduct a cost-benefit analysis regarding mitigation of aviation security threats through Federal air marshal service deployment.

“(4) PERFORMANCE MEASURES.—The Administrator shall improve existing performance measures to better determine the effectiveness of in-flight operations in addressing the highest risks to aviation transportation based on current intelligence.”

#### IMPLEMENTATION DEADLINE

Pub. L. 115–254, div. K, title I, § 1959(d)(3), Oct. 5, 2018, 132 Stat. 3600, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall begin implementing the requirements under paragraphs (9) through (12) of section 44917(a), United States Code, as added by this Act.”

#### FEDERAL AIR MARSHALS

Pub. L. 108–458, title IV, § 4016, Dec. 17, 2004, 118 Stat. 3720, as amended by Pub. L. 115–254, div. K, title I, § 1993, Oct. 5, 2018, 132 Stat. 3646, provided that:

“(a) FEDERAL AIR MARSHAL ANONYMITY.—The Director of the Federal Air Marshal Service of the Department of Homeland Security shall continue operational initiatives to protect the anonymity of Federal air marshals.

“(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement, in addition to any amounts otherwise authorized by law, for the deployment of Federal air marshals under section 44917 of title 49, United States Code, \$83,000,000 for the 3 fiscal-year period beginning with fiscal year 2005. Such sums shall remain available until expended.

“(c) FEDERAL LAW ENFORCEMENT COUNTERTERRORISM TRAINING.—

“(1) AVAILABILITY OF INFORMATION.—The Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security, shall make available, as practicable, appropriate information on in-flight counterterrorism and weapons handling procedures and tactics training to Federal law enforcement officers who fly while in possession of a firearm.

“(2) IDENTIFICATION OF FRAUDULENT DOCUMENTS.—The Administrator of the Transportation Security Administration and the Director of Federal Air Marshal Service of the Department of Homeland Security shall ensure that Transportation Security Administration screeners and Federal air marshals receive training in identifying fraudulent identification documents, including fraudulent or expired visas and passports. Such training shall also be made available to other Federal law enforcement agencies and local law enforcement agencies located in a State that borders Canada or Mexico.”

#### § 44918. Crew training

(a) BASIC SECURITY TRAINING.—

(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

(B) Crew communication and coordination.

(C) The proper commands to give passengers and attackers.

(D) Appropriate responses to defend oneself.

(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Administrator of the Transportation Security Administration).

(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(G) Situational training exercises regarding various threat conditions.

(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

(I) The proper conduct of a cabin search, including explosive device recognition.

(J) Any other subject matter considered appropriate by the Administrator of the Transportation Security Administration.

(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Administrator of the Transportation Security Administration.

(4) MINIMUM STANDARDS.—The Administrator of the Transportation Security Administration may establish minimum standards for the training provided under this subsection and for recurrent training.

(5) EXISTING PROGRAMS.—Notwithstanding paragraphs (3) and (4), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Administrator of the Transportation Security Administration before December 12, 2003, may continue in effect until disapproved or ordered modified by the Administrator of the Transportation Security Administration.

(6) MONITORING.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Administrator of the Transportation Security Administration shall consider complaints from crew members. The Administrator of the Transportation Security Administration shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

(7) UPDATES.—The Administrator of the Transportation Security Administration, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

(b) ADVANCED SELF-DEFENSE TRAINING.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

(A) Deterring a passenger who might present a threat.

(B) Advanced control, striking, and restraint techniques.

(C) Training to defend oneself against edged or contact weapons.

(D) Methods to subdue and restrain an attacker.

(E) Use of available items aboard the aircraft for self-defense.

(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

(G) Any other element of training that the Administrator of the Transportation Security Administration considers appropriate.

(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

(6) CONSULTATION.—In developing the training program under this subsection, the Administrator of the Transportation Security Administration shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshal Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

(7) DESIGNATION OF TSA OFFICIAL.—The Administrator of the Transportation Security Administration shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).

(Added Pub. L. 107-71, title I, §107(a), Nov. 19, 2001, 115 Stat. 610; amended Pub. L. 107-296, title XIV, §1403(a), Nov. 25, 2002, 116 Stat. 2305; Pub. L. 108-176, title VI, §603, Dec. 12, 2003, 117 Stat. 2563; Pub. L. 115-254, div. K, title I, §1991(d)(16), Oct. 5, 2018, 132 Stat. 3635.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(16)(C), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a)(2)(E). Pub. L. 115-254, §1991(d)(16)(A)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Border and Transportation Security of the Department of Homeland Security”.

Subsec. (a)(4). Pub. L. 115-254, §1991(d)(16)(A)(ii), substituted “The” for “Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the”.

Subsec. (a)(5). Pub. L. 115-254, §1991(d)(16)(A)(iii), substituted “December 12, 2003,” for “the date of enact-

ment of the Vision 100—Century of Aviation Reauthorization Act”.

Subsec. (b)(1). Pub. L. 115–254, §1991(d)(16)(B)(i), substituted “The” for “Not later than one year after the date of enactment of the Vision 100—Century of Aviation Reauthorization Act, the”.

Subsec. (b)(6). Pub. L. 115–254, §1991(d)(16)(B)(ii), substituted “Federal Air Marshal Service” for “Federal Air Marshals Service”.

2003—Pub. L. 108–176 reenacted section catchline without change and amended text generally. Prior to amendment, text consisted of subssecs. (a) to (e) relating to development of detailed guidance for a scheduled passenger air carrier flight and cabin crew training program to prepare crew members for potential threat conditions.

2002—Subsec. (e). Pub. L. 107–296 designated existing provisions as par. (1), inserted heading, substituted “The Under Secretary” for “The Administrator”, added pars. (2) and (3), and realigned margins.

#### Statutory Notes and Related Subsidiaries

##### 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 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.

##### CREW MEMBER SELF-DEFENSE TRAINING

Pub. L. 115–254, div. K, title I, §1960, Oct. 5, 2018, 132 Stat. 3600, provided that: “The Administrator [of the Transportation Security Administration], in consultation with the Administrator of the Federal Aviation Administration, shall continue to carry out and encourage increased participation by air carrier employees in the voluntary self-defense training program under section 44918(b) of title 49, United States Code.”

#### § 44919. PreCheck Program

(a) **IN GENERAL.**—The Administrator of the Transportation Security Administration shall continue to administer the PreCheck Program in accordance with section 109(a)(3) of the Aviation and Transportation Security Act (49 U.S.C. 114 note).

(b) **EXPANSION.**—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall enter into an agreement, using other transaction authority under section 114(m) of this title, with at least 2 private sector entities to increase the methods and capabilities available for the public to enroll in the PreCheck Program.

(c) **MINIMUM CAPABILITY REQUIREMENTS.**—At least 1 agreement under subsection (b) shall include the following capabilities:

(1) Start-to-finish secure online or mobile enrollment capability.

(2) Vetting of an applicant by means other than biometrics, such as a risk assessment, if—

(A) such means—

(i) are evaluated and certified by the Secretary of Homeland Security;

(ii) meet the definition of a qualified anti-terrorism technology under section 865 of the Homeland Security Act of 2002 (6 U.S.C. 444); and

(iii) are determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history; and

(B) with regard to private sector risk assessments, the Secretary has certified that reasonable procedures are in place with regard to the accuracy, relevancy, and proper utilization of information employed in such risk assessments.

(d) **ADDITIONAL CAPABILITY REQUIREMENTS.**—At least 1 agreement under subsection (b) shall include the following capabilities:

(1) Start-to-finish secure online or mobile enrollment capability.

(2) Vetting of an applicant by means of biometrics if the collection—

(A) is comparable with the appropriate and applicable standards developed by the National Institute of Standards and Technology;

(B) protects privacy and data security, including that any personally identifiable information is collected, retained, used, and shared in a manner consistent with section 552a of title 5, United States Code (commonly known as “Privacy Act of 1974”), and with agency regulations;

(C) is evaluated and certified by the Secretary of Homeland Security; and

(D) is determined by the Administrator to provide a risk assessment that is as effective as a fingerprint-based criminal history records check conducted through the Federal Bureau of Investigation with respect to identifying individuals who are not qualified to participate in the PreCheck Program due to disqualifying criminal history.

(e) **TARGET ENROLLMENT.**—Subject to subsections (b), (c), and (d), the Administrator shall take actions to expand the total number of individuals enrolled in the PreCheck Program as follows:

(1) 7,000,000 passengers before October 1, 2019.

(2) 10,000,000 passengers before October 1, 2020.

(3) 15,000,000 passengers before October 1, 2021.

(f) **MARKETING OF PRECHECK PROGRAM.**—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall—

(1) enter into at least 2 agreements, using other transaction authority under section 114(m) of this title, to market the PreCheck Program; and

(2) implement a long-term strategy for partnering with the private sector to encourage enrollment in such program.

(g) **IDENTITY VERIFICATION ENHANCEMENT.**—The Administrator shall—

(1) coordinate with the heads of appropriate components of the Department to leverage Department-held data and technologies to verify

the identity and citizenship of individuals enrolling in the PreCheck Program;

(2) partner with the private sector to use biometrics and authentication standards, such as relevant standards developed by the National Institute of Standards and Technology, to facilitate enrollment in the program; and

(3) consider leveraging the existing resources and abilities of airports to collect fingerprints for use in background checks to expedite identity verification.

(h) **PRECHECK PROGRAM LANES OPERATION.**—The Administrator shall—

(1) ensure that PreCheck Program screening lanes are open and available during peak and high-volume travel times at appropriate airports to individuals enrolled in the PreCheck Program; and

(2) make every practicable effort to provide expedited screening at standard screening lanes during times when PreCheck Program screening lanes are closed to individuals enrolled in the program in order to maintain operational efficiency.

(i) **ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR EXPEDITED SECURITY SCREENING.**—

(1) **IN GENERAL.**—Subject to paragraph (3), an individual specified in paragraph (2) is eligible for expedited security screening under the PreCheck Program.

(2) **INDIVIDUALS SPECIFIED.**—An individual specified in this subsection is any of the following:

(A) A member of the Armed Forces, including a member of a reserve component or the National Guard.

(B) A cadet or midshipman of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the United States Coast Guard Academy.

(C) A family member of an individual specified in subparagraph (A) or (B) who is younger than 12 years old and accompanying the individual.

(3) **IMPLEMENTATION.**—The eligibility of an individual specified in paragraph (2) for expedited security screening under the PreCheck Program is subject to such policies and procedures as the Administrator may prescribe to carry out this subsection, in consultation with the Secretary of Defense and, with respect to the United States Coast Guard, the Commandant of the United States Coast Guard.

(j) **VETTING FOR PRECHECK PROGRAM PARTICIPANTS.**—The Administrator shall initiate an assessment to identify any security vulnerabilities in the vetting process for the PreCheck Program, including determining whether subjecting PreCheck Program participants to recurrent fingerprint-based criminal history records checks, in addition to recurrent checks against the terrorist watchlist, could be done in a cost-effective manner to strengthen the security of the PreCheck Program.

(k) **ASSURANCE OF SEPARATE PROGRAM.**—In carrying out this section, the Administrator shall ensure that the additional private sector application capabilities under subsections (b),

(c), and (d) are undertaken in addition to any other related TSA program, initiative, or procurement, including the Universal Enrollment Services program.

(l) **Expenditure of Funds.**—Any Federal funds expended by the Administrator to expand PreCheck Program enrollment shall be expended in a manner that includes the requirements of this section.

(Added Pub. L. 107-71, title I, §108(a), Nov. 19, 2001, 115 Stat. 611; amended Pub. L. 115-254, div. K, title I, §1937(a), Oct. 5, 2018, 132 Stat. 3576.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 109 of the Aviation and Transportation Security Act, referred to in subsec. (a), is section 109 of Pub. L. 107-71, which is set out as a note under section 114 of this title.

The date of enactment of the TSA Modernization Act, referred to in subsections (b) and (f), is the date of enactment of title I of div. K of Pub. L. 115-254, which was approved Oct. 5, 2018.

##### AMENDMENTS

2018—Pub. L. 115-254 amended section generally. Prior to amendment, section related to establishment of pilot program under which the screening of passengers and property was to be conducted by a qualified private screening company.

#### Statutory Notes and Related Subsidiaries

##### ENROLLMENT REDRESS WITH RESPECT TO DEPARTMENT OF HOMELAND SECURITY TRUSTED TRAVELER PROGRAMS

Pub. L. 117-81, div. F, title LXIV, §6417, Dec. 27, 2021, 135 Stat. 2415, provided that: “Notwithstanding any other provision of law, the Secretary of Homeland Security shall, with respect to an individual whose enrollment in a trusted traveler program was revoked in error extend by an amount of time equal to the period of revocation the period of active enrollment in such a program upon reenrollment in such a program by such an individual.”

##### PRECHECK EXPEDITED SCREENING

Pub. L. 115-254, div. K, title I, §1938, Oct. 5, 2018, 132 Stat. 3579, provided that:

“(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall ensure that only a traveler who is a member of a trusted traveler program specified in subsection (b) is permitted to use a TSA PreCheck security screening lane at a passenger screening checkpoint.

“(b) **TRUSTED TRAVELER PROGRAMS SPECIFIED.**—A trusted traveler program specified in this subsection is any of the following:

“(1) The PreCheck Program under section 44919 of title 49, United States Code.

“(2) Any other program implemented by the TSA under section 109(a)(3) of the Aviation and Transportation Security Act [Pub. L. 107-71] (49 U.S.C. 114 note).

“(3) Any other United States Government program that issues a unique identifier, such as a known traveler number, that the TSA accepts as validating that the individual holding such identifier is a member of a known low-risk population.

“(c) **EXEMPTIONS.**—Nothing in this section shall affect—

“(1) the authority of the Administrator, under section 44927 of title 49, United States Code, to carry out expedited screening for members of the Armed Forces with disabilities or severe injuries or veterans with disabilities or severe injuries; or

“(2) the Honor Flight program under section 44928 of that title.

“(d) **LOW-RISK TRAVELERS.**—Any traveler who is determined by the Administrator to be low risk based on the traveler’s age and who is not a member of a trusted traveler program specified in subsection (b) shall be permitted to utilize TSA PreCheck security screening lanes at Transportation Security Administration checkpoints when traveling on the same reservation as a member of such a program.

“(e) **RISK MODIFIED SCREENING.**—

“(1) **PILOT PROGRAM.**—Not later than 60 days after the date of enactment of this Act [Oct. 5, 2018] and subject to paragraph (2), the Administrator shall commence a pilot program regarding a risk modified screening protocol for lanes other than designated TSA PreCheck security screening lanes at passenger screening checkpoints, in airports of varying categories, to further segment passengers based on risk.

“(2) **ELIGIBILITY.**—Only a low-risk passenger shall be eligible to participate in the risk modified screening pilot program under paragraph (1).

“(3) **DEFINITION OF LOW-RISK PASSENGER.**—In this subsection, the term ‘low-risk passenger’ means a passenger who—

“(A) meets a risk-based, intelligence-driven criteria prescribed by the Administrator; or

“(B) undergoes a canine enhanced screening upon arrival at the passenger screening checkpoint.

“(4) **TERMINATION.**—The pilot program shall terminate on the date that is 120 days after the date it commences under paragraph (1).

“(5) **BRIEFING.**—Not later than 30 days after the termination date under paragraph (4), the Administrator shall brief the appropriate committees of Congress [Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] on the findings of the pilot program, including—

“(A) information relating to the security effectiveness and passenger facilitation effectiveness of the risk modified screening protocol;

“(B) a determination regarding whether the risk modified screening protocol was effective; and

“(C) if the Administrator determined that the protocol was effective, a plan for the deployment of the protocol at as many TSA passenger screening checkpoints as practicable.

“(6) **IMPLEMENTATION.**—In determining whether deployment of the protocol at a TSA passenger screening checkpoint at an airport is practicable, the Administrator shall consider—

“(A) the level of risk at the airport;

“(B) the available space at the airport;

“(C) passenger throughput levels at the airport;

“(D) the checkpoint configuration at the airport; and

“(E) adequate resources to appropriately serve passengers in TSA PreCheck security screening lanes at the passenger screening checkpoint.

“(f) **WORKING GROUP.**—

“(1) **IN GENERAL.**—In carrying out subsection (e), the Administrator shall establish a working group to advise the Administrator on the development of plans for the deployment of the protocol at TSA passenger screening checkpoints, other than designated TSA PreCheck security screening lanes, in the most effective and efficient manner practicable.

“(2) **MEMBERS.**—The working group shall be comprised of representatives of Category X, I, II, III, and IV airports and air carriers (as the term is defined in section 40102 of title 49, United States Code).

“(3) **NONAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.] shall not apply to the working group established under this subsection.

“(g) **BRIEFINGS.**—

“(1) **IN GENERAL.**—The Administrator shall brief, on a biannual basis, the appropriate committees of Con-

gress on the implementation of subsections [sic] (a) until the Administrator certifies that only travelers who are members of trusted traveler programs specified in subsection (b) are permitted to use TSA PreCheck security screening lanes at passenger screening checkpoints.

“(2) **CERTIFICATION.**—Upon a determination by the Administrator that only travelers who are members of a trusted traveler program specified in subsection (b) are permitted to use TSA PreCheck security screening lanes at checkpoints in accordance with subsection (a), the Administrator shall submit to the appropriate committees of Congress a written certification relating to such determination.

“(h) **INSPECTOR GENERAL ASSESSMENTS.**—The Inspector General of the Department [of Homeland Security] shall assess and transmit to the appropriate committees of Congress the Administrator’s implementation under subsection (a).

“(i) **EXPANSION OF TSA PRECHECK PROGRAM ENROLLMENT.**—

“(1) **LONG-TERM STRATEGY.**—Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator shall develop and begin the implementation [of] a long-term strategy to increase enrollment in the TSA PreCheck Program.

“(2) **CONSIDERATIONS.**—In developing the strategy under paragraph (1), the Administrator shall consider the following:

“(A) Partnering with air carriers (as the term is defined in section 40102 of title 49, United States Code) to incorporate PreCheck Program promotion opportunities in the reservation process described in section 1560.101 of title 49, Code of Federal Regulations;[.]

“(B) Including in the PreCheck Program of [sic] an individual who—

“(i) holds a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance, unless the individual has had the individual’s clearance revoked or did not pass a periodic re-investigation; or

“(ii) is a current, full-time Federal law enforcement officer.

“(C) Providing PreCheck Program enrollment flexibility by offering secure mobile enrollment platforms that facilitate in-person identity verification and application data collection, such as through biometrics.

“(D) Reducing travel time to PreCheck Program enrollment centers for applicants, including—

“(i) by adjusting the locations and schedules of existing PreCheck Program enrollment centers to accommodate demand;

“(ii) by seeking to colocate such enrollment centers with existing facilities that support the issuance of—

“(I) United States passports; and

“(II) Security Identification Display Area credentials (as the term is defined in section 1540.5 of title 49, Code of Federal Regulations) located in public, non-secure areas of airports if no systems of an airport operator are used in support of enrollment activities for such credentials; and

“(iii) by increasing the availability of PreCheck Program enrollment platforms, such as kiosks, tablets, or staffed laptop stations.

“(E) The feasibility of providing financial assistance or other incentives for PreCheck Program enrollment for—

“(i) children who are at least 12 years or older, but less than 18 years old;

“(ii) families consisting of 5 or more immediate family members;

“(iii) private sector entities, including small businesses, to establish PreCheck Program enrollment centers in their respective facilities; and

“(iv) private sector entities, including small business concerns (as the term is described in sec-

tion 3 of the Small Business Act (15 U.S.C. 632)), to reimburse an employee for the cost of the PreCheck Program application.”

#### § 44920. Screening partnership program

(a) IN GENERAL.—An airport operator may submit to the Administrator of the Transportation Security Administration an application to carry out the screening of passengers and property at the airport under section 44901 by personnel of a qualified private screening company pursuant to a contract entered into with the Transportation Security Administration.

##### (b) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of receipt of an application submitted by an airport operator under subsection (a), the Administrator shall approve or deny the application.

(2) STANDARDS.—The Administrator shall approve an application submitted by an airport operator under subsection (a) if the Administrator determines that the approval would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of the screening of passengers or property at the airport.

##### (3) REPORTS ON DENIALS OF APPLICATIONS.—

(A) IN GENERAL.—If the Administrator denies an application submitted by an airport operator under subsection (a), the Administrator shall provide to the airport operator, not later than 60 days following the date of the denial, a written report that sets forth—

(i) the findings that served as the basis for the denial;

(ii) the results of any cost or security analysis conducted in considering the application; and

(iii) recommendations on how the airport operator can address the reasons for the denial.

(B) SUBMISSION TO CONGRESS.—The Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a copy of any report provided to an airport operator under subparagraph (A).

(c) QUALIFIED PRIVATE SCREENING COMPANY.—A private screening company is qualified to provide screening services at an airport under this section if the company will only employ individuals to provide such services who meet all the requirements of this chapter applicable to Federal Government personnel who perform screening services at airports under this chapter and will provide compensation and other benefits to such individuals that are not less than the level of compensation and other benefits provided to such Federal Government personnel in accordance with this chapter.

##### (d) SELECTION OF CONTRACTS AND STANDARDS FOR PRIVATE SCREENING COMPANIES.—

(1) IN GENERAL.—The Administrator shall, upon approval of the application, provide the airport operator with a list of qualified private screening companies.

(2) CONTRACTS.—The Administrator shall, to the extent practicable, enter into a contract

with a private screening company from the list provided under paragraph (1) for the provision of screening at the airport not later than 120 days after the date of approval of an application submitted by the airport operator under subsection (a) if—

(A) the level of screening services and protection provided at the airport under the contract will be equal to or greater than the level that would be provided at the airport by Federal Government personnel under this chapter;

(B) the private screening company is owned and controlled by a citizen of the United States, to the extent that the Administrator determines that there are private screening companies owned and controlled by such citizens; and

(C) the selected qualified private screening company offered contract price is equal to or less than the cost to the Federal Government to provide screening services at the airport.

(3) WAIVERS.—The Administrator may waive the requirement of paragraph (2)(B) for any company that is a United States subsidiary with a parent company that has implemented a foreign ownership, control, or influence mitigation plan that has been approved by the Defense Security Service of the Department of Defense prior to the submission of the application. The Administrator has complete discretion to reject any application from a private screening company to provide screening services at an airport that requires a waiver under this paragraph.

##### (e) SUPERVISION OF SCREENING PERSONNEL.—The Administrator shall—

(1) provide Federal Government supervisors to oversee all screening at each airport at which screening services are provided under this section and provide Federal Government law enforcement officers at the airport pursuant to this chapter; and

(2) undertake covert testing and remedial training support for employees of private screening companies providing screening at airports.

(f) TERMINATION OR SUSPENSION OF CONTRACTS.—The Administrator may suspend or terminate, as appropriate, any contract entered into with a private screening company to provide screening services at an airport under this section if the Administrator finds that the company has failed repeatedly to comply with any standard, regulation, directive, order, law, or contract applicable to the hiring or training of personnel to provide such services or to the provision of screening at the airport.

(g) OPERATOR OF AIRPORT.—Notwithstanding any other provision of law, an operator of an airport shall not be liable for any claims for damages filed in State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to—

(1) such airport operator’s decision to submit an application to the Secretary of Homeland Security under subsection (a) or such airport operator’s decision not to submit an application; and

(2) any act of negligence, gross negligence, or intentional wrongdoing by—

(A) a qualified private screening company or any of its employees in any case in which the qualified private screening company is acting under a contract entered into with the Secretary of Homeland Security or the Secretary's designee; or

(B) employees of the Federal Government providing passenger and property security screening services at the airport.

(3) Nothing in this section shall relieve any airport operator from liability for its own acts or omissions related to its security responsibilities, nor except as may be provided by the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002 shall it relieve any qualified private screening company or its employees from any liability related to its own acts of negligence, gross negligence, or intentional wrongdoing.

(h) EVALUATION OF SCREENING COMPANY PROPOSALS FOR AWARD.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, including title 48 of the Code of Federal Regulations and the Federal Advisory Committee Act (5 U.S.C. App.),<sup>1</sup> an airport operator that has applied and been approved to have security screening services carried out by a qualified private screening company under contract with the Administrator may nominate to the head of the contracting activity an individual to participate in the evaluation of proposals for the award of such contract.

(2) PARTICIPATION ON A PROPOSAL EVALUATION COMMITTEE.—Any participation on a proposal evaluation committee under paragraph (1) shall be conducted in accordance with chapter 21 of title 41.

(i)<sup>2</sup> INNOVATIVE SCREENING APPROACHES AND TECHNOLOGIES.—The Administrator shall encourage an airport operator to whom screening services are provided under this section to recommend to the Administrator innovative screening approaches and technologies. Upon receipt of any such recommendations, the Administrator shall review and, if appropriate, test, conduct a pilot project, and, if appropriate, deploy such approaches and technologies.

(i)<sup>2</sup> DEFINITION OF ADMINISTRATOR.—In this section, the term “Administrator” means the Administrator of the Transportation Security Administration.

(Added Pub. L. 107-71, title I, §108(a), Nov. 19, 2001, 115 Stat. 612; amended Pub. L. 109-90, title V, §547, Oct. 18, 2005, 119 Stat. 2089; Pub. L. 112-95, title VIII, §830(a)-(c), Feb. 14, 2012, 126 Stat. 135; Pub. L. 115-254, div. K, title I, §§1946(a), 1991(d)(17), Oct. 5, 2018, 132 Stat. 3585, 3636.)

### Editorial Notes

#### REFERENCES IN TEXT

The Support Anti-Terrorism by Fostering Effective Technologies Act of 2002, referred to in subsec. (g)(3), is

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Two subssecs. (i) have been enacted.

subtitle G (§§861-865) of title VIII of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2238, also known as the SAFETY Act, which is classified generally to part G (§441 et seq.) of subchapter VIII of chapter 1 of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (h)(1), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

#### AMENDMENTS

2018—Pub. L. 115-254, §1946(a)(1), substituted “Screening partnership program” for “Security screening opt-out program” in section catchline.

Subsec. (a). Pub. L. 115-254, §1946(a)(2), amended subsec. (a) generally. Prior to amendment, text read as follows: “On or after the last day of the 2-year period beginning on the date on which the Under Secretary transmits to Congress the certification required by section 110(c) of the Aviation and Transportation Security Act, an operator of an airport may submit to the Under Secretary an application to have the screening of passengers and property at the airport under section 44901 to be carried out by the screening personnel of a qualified private screening company under a contract entered into with the Under Secretary.”

Subsec. (b)(1). Pub. L. 115-254, §1946(a)(3)(A), amended par. (1) generally. Prior to amendment, text read as follows: “Not later than 120 days after the date of receipt of an application submitted by an airport operator under subsection (a), the Under Secretary shall approve or deny the application.”

Subsec. (b)(2), (3). Pub. L. 115-254, §1946(a)(3)(B), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (d). Pub. L. 115-254, §1946(a)(4)(A), substituted “Selection of Contracts and Standards” for “Standards” in heading.

Subsec. (d)(1). Pub. L. 115-254, §1946(a)(4)(C)(i), substituted “The Administrator shall, upon approval of the application, provide the airport operator with a list of qualified private screening companies.” for “The Under Secretary may enter into a contract with a private screening company to provide screening at an airport under this section only if the Under Secretary determines and certifies to Congress that—”. Former subpars. (A) and (B) of par. (1) redesignated subpars. (A) and (B), respectively, of par. (2).

Subsec. (d)(2). Pub. L. 115-254, §1946(a)(4)(C)(ii), inserted par. (2) designation, heading, and introductory provisions before former subpars. (A) and (B) of par. (1), thereby making them part of par. (2). Former par. (2) redesignated (3).

Subsec. (d)(2)(B). Pub. L. 115-254, §1946(a)(4)(D)(ii)(I), substituted “Administrator” for “Under Secretary”.

Subsec. (d)(2)(C). Pub. L. 115-254, §1946(a)(4)(D)(i), (ii)(II), (iii), added subpar. (C).

Subsec. (d)(3). Pub. L. 115-254, §1946(a)(4)(E), substituted “Administrator” for “Under Secretary” in two places and “paragraph (2)(B)” for “paragraph (1)(B)”.

Pub. L. 115-254, §1946(a)(4)(B), redesignated par. (2) as (3).

Subsec. (e). Pub. L. 115-254, §1946(a)(5)(B)-(E), substituted “The Administrator shall—” for “The Under Secretary shall”, inserted par. (1) designation before “provide Federal Government”, realigned margins, and added par. (2).

Pub. L. 115-254, §1946(a)(5)(A), substituted “Screening” for “Screened” in heading.

Subsec. (f). Pub. L. 115-254, §1946(a)(6), inserted “or Suspension” after “Termination” in heading, and, in text, substituted “Administrator” for “Under Secretary” in two places and “suspend or terminate, as appropriate,” for “terminate”.



Subsec. (g)(1). Pub. L. 115-254, §1991(d)(17)(A), substituted “subsection (a)” for “subsection (a) or section 44919”.

Subsec. (h). Pub. L. 115-254, §1946(a)(7), added subsec. (h) and struck out former subsec. (h). Prior to amendment, text read as follows: “As part of any submission of an application for a private screening company to provide screening services at an airport, the airport operator shall provide to the Under Secretary a recommendation as to which company would best serve the security screening and passenger needs of the airport, along with a statement explaining the basis of the operator’s recommendation.”

Subsec. (i). Pub. L. 115-254, §1991(d)(17)(B), added subsec. (i) defining “Administrator”.

Pub. L. 115-254, §1946(a)(7), added subsec. (i) relating to innovative screening approaches and technologies.

2012—Subsec. (b). Pub. L. 112-95, §830(a), amended subsec. (b) generally. Prior to amendment, text read as follows: “The Under Secretary may approve any application submitted under subsection (a).”

Subsec. (d). Pub. L. 112-95, §830(b), designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), realigned margins, and added par. (2).

Subsec. (h). Pub. L. 112-95, §830(c), added subsec. (h).  
2005—Subsec. (g). Pub. L. 109-90 added subsec. (g).

#### Statutory Notes and Related Subsidiaries

##### APPLICATIONS SUBMITTED BEFORE THE DATE OF ENACTMENT OF PUB. L. 115-254

Pub. L. 115-254, div. K, title I, §1946(c), Oct. 5, 2018, 132 Stat. 3587, provided that: “Not later than 30 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall approve or deny, in accordance with section 44920(b) of title 49, United States Code, as amended by this Act, each application submitted before the date of enactment of this Act, by an airport operator under subsection (a) of that section, that is awaiting such a determination.”

#### Executive Documents

##### CHANGE OF NAME

Defense Security Service of the Department of Defense changed to Defense Counterintelligence and Security Agency effective June 20, 2019, pursuant to Ex. Ord. No. 13467, set out as a note under section 3161 of Title 50, War and National Defense.

#### § 44921. Federal flight deck officer program

(a) ESTABLISHMENT.—The Administrator shall establish a program to deputize volunteer pilots of air carriers providing air transportation or intrastate air transportation as Federal law enforcement officers to defend the flight decks of aircraft of such air carriers against acts of criminal violence or air piracy. Such officers shall be known as “Federal flight deck officers”.

(b) PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—The Administrator shall establish procedural requirements to carry out the program under this section.

(2) COMMENCEMENT OF PROGRAM.—The Administrator shall train and deputize pilots who are qualified to be Federal flight deck officers as Federal flight deck officers under the program.

(3) ISSUES TO BE ADDRESSED.—The procedural requirements established under paragraph (1) shall address the following issues:

(A) The type of firearm to be used by a Federal flight deck officer.

(B) The type of ammunition to be used by a Federal flight deck officer.

(C) The standards and training needed to qualify and requalify as a Federal flight deck officer.

(D) The placement of the firearm of a Federal flight deck officer on board the aircraft to ensure both its security and its ease of retrieval in an emergency.

(E) An analysis of the risk of catastrophic failure of an aircraft as a result of the discharge (including an accidental discharge) of a firearm to be used in the program into the avionics, electrical systems, or other sensitive areas of the aircraft.

(F) The division of responsibility between pilots in the event of an act of criminal violence or air piracy if only 1 pilot is a Federal flight deck officer and if both pilots are Federal flight deck officers.

(G) Procedures for ensuring that the firearm of a Federal flight deck officer does not leave the cockpit if there is a disturbance in the passenger cabin of the aircraft or if the pilot leaves the cockpit for personal reasons.

(H) Interaction between a Federal flight deck officer and a Federal air marshal on board the aircraft.

(I) The process for selection of pilots to participate in the program based on their fitness to participate in the program, including whether an additional background check should be required beyond that required by section 44936(a)(1).

(J) Storage and transportation of firearms between flights, including international flights, to ensure the security of the firearms, focusing particularly on whether such security would be enhanced by requiring storage of the firearm at the airport when the pilot leaves the airport to remain overnight away from the pilot’s base airport.

(K) Methods for ensuring that security personnel will be able to identify whether a pilot is authorized to carry a firearm under the program.

(L) Methods for ensuring that pilots (including Federal flight deck officers) will be able to identify whether a passenger is a law enforcement officer who is authorized to carry a firearm aboard the aircraft.

(M) Any other issues that the Administrator considers necessary.

(N) The Administrator’s decisions regarding the methods for implementing each of the foregoing procedural requirements shall be subject to review only for abuse of discretion.

(4) PREFERENCE.—In selecting pilots to participate in the program, the Administrator shall give preference to pilots who are former military or law enforcement personnel.

(5) CLASSIFIED INFORMATION.—Notwithstanding section 552 of title 5 but subject to section 40119<sup>1</sup> of this title, information developed under paragraph (3)(E) shall not be disclosed.

(6) NOTICE TO CONGRESS.—The Administrator shall provide notice to the Committee on

<sup>1</sup> See References in Text note below.

Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate after completing the analysis required by paragraph (3)(E).

(7) MINIMIZATION OF RISK.—If the Administrator determines as a result of the analysis under paragraph (3)(E) that there is a significant risk of the catastrophic failure of an aircraft as a result of the discharge of a firearm, the Administrator shall take such actions as may be necessary to minimize that risk.

(c) TRAINING, SUPERVISION, AND EQUIPMENT.—

(1) IN GENERAL.—The Administrator shall only be obligated to provide the training, supervision, and equipment necessary for a pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot.

(2) TRAINING.—

(A) IN GENERAL.—The Administrator shall base the requirements for the training of Federal flight deck officers under subsection (b) on the training standards applicable to Federal air marshals; except that the Administrator shall take into account the differing roles and responsibilities of Federal flight deck officers and Federal air marshals.

(B) ELEMENTS.—The training of a Federal flight deck officer shall include, at a minimum, the following elements:

(i) Training to ensure that the officer achieves the level of proficiency with a firearm required under subparagraph (C)(i).

(ii) Training to ensure that the officer maintains exclusive control over the officer's firearm at all times, including training in defensive maneuvers.

(iii) Training to assist the officer in determining when it is appropriate to use the officer's firearm and when it is appropriate to use less than lethal force.

(C) TRAINING IN USE OF FIREARMS.—

(i) STANDARD.—In order to be deputized as a Federal flight deck officer, a pilot must achieve a level of proficiency with a firearm that is required by the Administrator. Such level shall be comparable to the level of proficiency required of Federal air marshals.

(ii) CONDUCT OF TRAINING.—

(I) IN GENERAL.—The training of a Federal flight deck officer in the use of a firearm may be conducted by the Administrator or by a firearms training facility.

(II) ACCESS TO TRAINING FACILITIES.—The Administrator shall designate additional firearms training facilities located in various regions of the United States for Federal flight deck officers for recurrent and requalifying training relative to the number of such facilities available on the day before such<sup>2</sup> date of enactment.

(iii) REQUALIFICATION.—

(I) IN GENERAL.—The Administrator shall require a Federal flight deck officer to requalify to carry a firearm under the program. Such requalification shall occur at an interval required by the Administrator.

(II) USE OF FACILITIES FOR REQUALIFICATION.—The Administrator shall allow a Federal flight deck officer to requalify to carry a firearm under the program through training at a Transportation Security Administration-approved firearms training facility utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration.

(iv) PERIODIC REVIEW.—The Administrator shall periodically review requalification training intervals and assess whether it is appropriate and sufficient to adjust the time between each requalification training to facilitate continued participation in the program under this section while still maintaining effectiveness of the training, and update the training requirements as appropriate.

(D) TRAINING REVIEW.—Not later than 2 years after the date of enactment of the TSA Modernization Act, and biennially thereafter, the Administrator shall review training facilities and training requirements for initial and recurrent training for Federal flight deck officers and evaluate how training requirements, including the length of training, could be streamlined while maintaining the effectiveness of the training, and update the training requirements as appropriate.

(d) DEPUTIZATION.—

(1) IN GENERAL.—The Administrator may deputize, as a Federal flight deck officer under this section, a pilot who submits to the Administrator a request to be such an officer and whom the Administrator determines is qualified to be such an officer.

(2) QUALIFICATION.—

(A) IN GENERAL.—A pilot is qualified to be a Federal flight deck officer under this section if—

(i) the pilot is employed by an air carrier;

(ii) the Administrator determines (in the Administrator's discretion) that the pilot meets the standards established by the Administrator for being such an officer; and

(iii) the Administrator determines that the pilot has completed the training required by the Administrator.

(B) CONSISTENCY WITH REQUIREMENTS FOR CERTAIN MEDICAL CERTIFICATES.—In establishing standards under subparagraph (A)(ii), the Administrator may not establish medical or physical standards for a pilot to become a Federal flight deck officer that are inconsistent with or more stringent than the requirements of the Federal Aviation Administration for the issuance of the required airman medical certificate under part 67 of

<sup>2</sup> So in original.

title 14, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(3) DEPUTIZATION BY OTHER FEDERAL AGENCIES.—The Administrator may request another Federal agency to deputize, as Federal flight deck officers under this section, those pilots that the Administrator determines are qualified to be such officers.

(4) REVOCATION.—The Administrator may (in the Administrator's discretion) revoke the deputization of a pilot as a Federal flight deck officer if the Administrator finds that the pilot is no longer qualified to be such an officer.

(5) TRANSFER FROM INACTIVE TO ACTIVE STATUS.—In accordance with any applicable Transportation Security Administration appeals processes, a pilot deputized as a Federal flight deck officer who moves to inactive status may return to active status upon successful completion of a recurrent training program administered within program guidelines.

(e) COMPENSATION.—

(1) IN GENERAL.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer. The Federal Government and air carriers shall not be obligated to compensate a pilot for participating in the program or for the pilot's training or qualification and requalification to carry firearms under the program.

(2) FACILITATION OF TRAINING.—An air carrier shall permit a pilot seeking to be deputized as a Federal flight deck officer or a Federal flight deck officer to take a reasonable amount of leave to participate in initial, recurrent, or requalification training, as applicable, for the program. Leave required under this paragraph may be provided without compensation.

(f) AUTHORITY TO CARRY FIREARMS.—

(1) IN GENERAL.—The Administrator shall authorize a Federal flight deck officer to carry a firearm while engaged in providing air transportation or intrastate air transportation. Notwithstanding subsection (c)(1), the officer may purchase a firearm and carry that firearm aboard an aircraft of which the officer is the pilot in accordance with this section if the firearm is of a type that may be used under the program.

(2) PREEMPTION.—Notwithstanding any other provision of Federal or State law, a Federal flight deck officer, whenever necessary to participate in the program, may carry a firearm in any State and from 1 State to another State.

(3) CARRYING FIREARMS OUTSIDE UNITED STATES.—In consultation with the Secretary of State, the Administrator may take such action as may be necessary to ensure that a Federal flight deck officer may carry a firearm in a foreign country whenever necessary to participate in the program.

(4) CONSISTENCY WITH FEDERAL AIR MARSHAL PROGRAM.—The Administrator shall harmonize, to the extent practicable and in a manner that does not jeopardize existing Fed-

eral air marshal agreements, the policies relating to the carriage of firearms on international flights by Federal flight deck officers with the policies of the Federal air marshal program for carrying firearms on such flights and carrying out the duties of a Federal flight deck officer, notwithstanding Annex 17 of the International Civil Aviation Organization.

(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), the Administrator shall prescribe the standards and circumstances under which a Federal flight deck officer may use, while the program under this section is in effect, force (including lethal force) against an individual in the defense of the flight deck of an aircraft in air transportation or intrastate air transportation.

(h) LIMITATION ON LIABILITY.—

(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of a Federal flight deck officer's use of or failure to use a firearm.

(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending the flight deck of an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

(3) LIABILITY OF FEDERAL GOVERNMENT.—For purposes of an action against the United States with respect to an act or omission of a Federal flight deck officer in defending the flight deck of an aircraft, the officer shall be treated as an employee of the Federal Government under chapter 171 of title 28, relating to tort claims procedure.

(i) PROCEDURES FOLLOWING ACCIDENTAL DISCHARGES.—If an accidental discharge of a firearm under the pilot program results in the injury or death of a passenger or crew member on an aircraft, the Administrator—

(1) shall revoke the deputization of the Federal flight deck officer responsible for that firearm if the Administrator determines that the discharge was attributable to the negligence of the officer; and

(2) if the Administrator determines that a shortcoming in standards, training, or procedures was responsible for the accidental discharge, may temporarily suspend the program until the shortcoming is corrected.

(j) LIMITATION ON AUTHORITY OF AIR CARRIERS.—No air carrier shall prohibit or threaten any retaliatory action against a pilot employed by the air carrier from becoming a Federal flight deck officer under this section. No air carrier shall—

(1) prohibit a Federal flight deck officer from piloting an aircraft operated by the air carrier; or

(2) terminate the employment of a Federal flight deck officer, solely on the basis of his or her volunteering for or participating in the program under this section.

(k) APPLICABILITY.—This section shall not apply to air carriers operating under part 135 of

title 14, Code of Federal Regulations, and to pilots employed by such carriers to the extent that such carriers and pilots are covered by section 135.119 of such title or any successor to such section.

(I) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) AIR TRANSPORTATION.—The term “air transportation” includes all-cargo air transportation.

(3) FIREARMS TRAINING FACILITY.—The term “firearms training facility” means a private or government-owned gun range approved by the Administrator to provide recurrent or re-qualification training, as applicable, for the program, utilizing a Transportation Security Administration-approved contractor and a curriculum developed and approved by the Transportation Security Administration.

(4) PILOT.—The term “pilot” means an individual who has final authority and responsibility for the operation and safety of the flight or any other flight deck crew member.

(Added Pub. L. 107–296, title XIV, §1402(a), Nov. 25, 2002, 116 Stat. 2300; amended Pub. L. 108–176, title VI, §609(b), Dec. 12, 2003, 117 Stat. 2570; Pub. L. 115–254, div. K, title I, §1963(a)–(h), Oct. 5, 2018, 132 Stat. 3601–3603.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 40119 of this title, referred to in subsec. (b)(5), was repealed by Pub. L. 115–254, div. K, title I, §1991(c)(3), Oct. 5, 2018, 132 Stat. 3627.

The date of enactment of the TSA Modernization Act, referred to in subsec. (c)(2)(D), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

##### AMENDMENTS

2018—Pub. L. 115–254, §1963(h)(7), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1963(h)(1), substituted “Administrator” for “Under Secretary of Transportation for Security”.

Subsec. (b)(1). Pub. L. 115–254, §1963(h)(2)(A), substituted “The Administrator” for “Not later than 3 months after the date of enactment of this section, the Under Secretary”.

Subsec. (b)(2). Pub. L. 115–254, §1963(h)(2)(B), substituted “The Administrator shall train and deputize” for “Beginning 3 months after the date of enactment of this section, the Under Secretary shall begin the process of training and deputizing”.

Subsec. (b)(3)(N). Pub. L. 115–254, §1963(h)(2)(C), substituted “Administrator’s” for “Under Secretary’s”.

Subsec. (c)(2)(C)(ii). Pub. L. 115–254, §1963(a), designated existing provisions as subcl. (I), inserted heading, struck out “approved by the Under Secretary” after “facility”, and added subcl. (II).

Subsec. (c)(2)(C)(iii). Pub. L. 115–254, §1963(b)(1), designated existing provisions as subcl. (I), inserted heading, substituted “The Administrator shall” for “The Under Secretary shall” and “the Administrator” for “the Under Secretary”, and added subcl. (II).

Subsec. (c)(2)(C)(iv). Pub. L. 115–254, §1963(b)(2), added cl. (iv).

Subsec. (c)(2)(D). Pub. L. 115–254, §1963(c), added subpar. (D).

Subsec. (d)(2). Pub. L. 115–254, §1963(f), designated existing provisions as subpar. (A), inserted heading, re-designated former subpars. (A) to (C) as cls. (i) to (iii),

respectively, of subpar. (A), substituted “Administrator’s” for “Under Secretary’s” in subpar. (A)(ii), and added subpar. (B).

Subsec. (d)(4). Pub. L. 115–254, §1963(h)(3), substituted “may” for “may,” and “Administrator’s” for “Under Secretary’s”.

Subsec. (d)(5). Pub. L. 115–254, §1963(g), added par. (5).  
Subsec. (e). Pub. L. 115–254, §1963(d), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (f)(1), (3). Pub. L. 115–254, §1963(e)(1), substituted “Administrator” for “Under Secretary”.

Subsec. (f)(4). Pub. L. 115–254, §1963(e)(2), added par. (4).

Subsec. (i)(2). Pub. L. 115–254, §1963(h)(4), substituted “may” for “the Under Secretary may”.

Subsec. (k). Pub. L. 115–254, §1963(h)(5), struck out par. (1) designation and heading before “This section” and struck out pars. (2) and (3) which defined “pilot” and defined “air transportation” to include all-cargo air transportation.

Subsec. (l). Pub. L. 115–254, §1963(h)(6), added subsec. (l).

2003—Subsec. (a). Pub. L. 108–176, §609(b)(1), struck out “passenger” before “air transportation” in two places.

Subsec. (k)(2). Pub. L. 108–176, §609(b)(2), substituted “or any other flight deck crew member” for “or, if more than 1 pilot is required for the operation of the aircraft or by the regulations under which the flight is being conducted, the individual designated as second in command”.

Subsec. (k)(3). Pub. L. 108–176, §609(b)(3), added par. (3).

#### Statutory Notes and Related Subsidiaries

##### 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

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

##### REGULATIONS

Pub. L. 115–254, div. K, title I, §1963(i), Oct. 5, 2018, 132 Stat. 3604, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018]—

“(1) the Secretary of Transportation shall revise section 15.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals; and

“(2) the Administrator [of the Transportation Security Administration] shall revise section 1520.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals.”

Pub. L. 115–254, div. K, title I, §1963(j), Oct. 5, 2018, 132 Stat. 3604, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall prescribe such regulations as may be necessary to carry out this section [amending this section and enacting provisions set out as a note under this section] and the amendments made by this section.”

##### EQUITABLE IMPLEMENTATION OF 2003 AMENDMENTS

Pub. L. 108–176, title VI, §609(c), Dec. 12, 2003, 117 Stat. 2570, provided that: “In carrying out the amendments

made by subsection (d) [probably means subsec. (b), which amended this section], the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall ensure that passenger and cargo pilots are treated equitably in receiving access to training as Federal flight deck officers.”

#### TIME FOR IMPLEMENTATION

Pub. L. 108-176, title VI, §609(d), Dec. 12, 2003, 117 Stat. 2570, provided that: “The requirements of subsection (e) [section 609 of Pub. L. 108-176 has no subsec. (e)] shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act [Dec. 12, 2003].”

### § 44922. Deputization of State and local law enforcement officers

(a) DEPUTIZATION AUTHORITY.—The Administrator of the Transportation Security Administration may deputize a State or local law enforcement officer to carry out Federal airport security duties under this chapter.

(b) FULFILLMENT OF REQUIREMENTS.—A State or local law enforcement officer who is deputized under this section shall be treated as a Federal law enforcement officer for purposes of meeting the requirements of this chapter and other provisions of law to provide Federal law enforcement officers to carry out Federal airport security duties.

(c) AGREEMENTS.—To deputize a State or local law enforcement officer under this section, the Administrator of the Transportation Security Administration shall enter into a voluntary agreement with the appropriate State or local law enforcement agency that employs the State or local law enforcement officer.

(d) REIMBURSEMENT.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall reimburse a State or local law enforcement agency for all reasonable, allowable, and allocable costs incurred by the State or local law enforcement agency with respect to a law enforcement officer deputized under this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(e) FEDERAL TORT CLAIMS ACT.—A State or local law enforcement officer who is deputized under this section shall be treated as an “employee of the Government” for purposes of sections 1346(b), 2401(b), and chapter 171 of title 28, United States Code, while carrying out Federal airport security duties within the course and scope of the officer’s employment, subject to Federal supervision and control, and in accordance with the terms of such deputization.

(f) STATIONING OF OFFICERS.—The Administrator of the Transportation Security Administration may allow law enforcement personnel to be stationed other than at the airport security screening location if that would be preferable for law enforcement purposes and if such personnel would still be able to provide prompt responsiveness to problems occurring at the screening location.

(Added Pub. L. 108-7, div. I, title III, §351(a), Feb. 20, 2003, 117 Stat. 419; amended Pub. L. 115-254,

div. K, title I, §1991(d)(18), Oct. 5, 2018, 132 Stat. 3636.)

#### AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(18)(D), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Pub. L. 115-254, §1991(d)(18)(A), substituted “Deputization” for “Deputation” in section catchline.

Subsec. (a). Pub. L. 115-254, §1991(d)(18)(B), in heading, substituted “Deputization” for “Deputation” and, in text, substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsec. (e). Pub. L. 115-254, §1991(d)(18)(C), substituted “deputization” for “deputation”.

### § 44923. Airport security improvement projects

(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Administrator of the Transportation Security Administration shall make grants to airport sponsors—

(1) for projects to replace baggage conveyer systems related to aviation security;

(2) for projects to reconfigure terminal baggage areas as needed to install explosive detection systems;

(3) for projects to enable the Administrator of the Transportation Security Administration to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or in line with the baggage handling system; and

(4) for other airport security capital improvement projects.

(b) APPLICATIONS.—A sponsor seeking a grant under this section shall submit to the Administrator of the Transportation Security Administration an application in such form and containing such information as the Administrator of the Transportation Security Administration prescribes.

(c) APPROVAL.—The Administrator of the Transportation Security Administration, after consultation with the Secretary of Transportation, may approve an application of a sponsor for a grant under this section only if the Administrator of the Transportation Security Administration determines that the project will improve security at an airport or improve the efficiency of the airport without lessening security.

(d) LETTERS OF INTENT.—

(1) ISSUANCE.—The Administrator of the Transportation Security Administration shall issue a letter of intent to a sponsor committing to obligate from future budget authority an amount, not more than the Federal Government’s share of the project’s cost, for an airport security improvement project (including interest costs and costs of formulating the project).

(2) SCHEDULE.—A letter of intent under this subsection shall establish a schedule under which the Administrator of the Transportation Security Administration will reimburse the sponsor for the Government’s share of the project’s costs, as amounts become available, if the sponsor, after the Administrator of the Transportation Security Administration issues the letter, carries out the project without receiving amounts under this section.

(3) NOTICE TO ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION.—A spon-

sor that has been issued a letter of intent under this subsection shall notify the Administrator of the Transportation Security Administration of the sponsor's intent to carry out a project before the project begins.

(4) NOTICE TO CONGRESS.—The Administrator of the Transportation Security Administration shall transmit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science<sup>1</sup> and Transportation of the Senate a written notification at least 3 days before the issuance of a letter of intent under this section.

(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(6) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

(e) FEDERAL SHARE.—The Government's share of the cost of a project under this section shall be 90 percent for a project at a medium or large hub airport and 95 percent for a project at any other airport.

(f) SPONSOR DEFINED.—In this section, the term "sponsor" has the meaning given that term in section 47102.

(g) APPLICABILITY OF CERTAIN REQUIREMENTS.—The requirements that apply to grants and letters of intent issued under chapter 471 (other than section 47102(3)) shall apply to grants and letters of intent issued under this section.

(h) AVIATION SECURITY CAPITAL FUND.—

(1) IN GENERAL.—There is established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. The first \$250,000,000 derived from fees received under section 44940(a)(1) in each of fiscal years 2004 through 2028 shall be available to be deposited in the Fund. The Administrator of the Transportation Security Administration shall impose the fee authorized by section 44940(a)(1) so as to collect at least \$250,000,000 in each of such fiscal years for deposit into the Fund. Amounts in the Fund shall be available to the Administrator of the Transportation Security Administration to make grants under this section.

(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than \$200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to \$50,000,000 shall be used to make discretionary grants, including other transaction agreements for airport security im-

provement projects, with priority given to small hub airports and nonhub airports.

(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.

(Added Pub. L. 108-176, title VI, §605(a), Dec. 12, 2003, 117 Stat. 2566; amended Pub. L. 108-458, title IV, §4019(e)(1), Dec. 17, 2004, 118 Stat. 3722; Pub. L. 110-53, title XVI, §§1603(a), 1604(a), Aug. 3, 2007, 121 Stat. 480; Pub. L. 115-254, div. K, title I, §1991(d)(19), Oct. 5, 2018, 132 Stat. 3636.)

## Editorial Notes

### AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(19)(B), substituted "Administrator of the Transportation Security Administration" for "Under Secretary" wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(d)(19)(A), in introductory provisions, substituted "Administrator of the Transportation Security Administration" for "Under Secretary for Border and Transportation Security of the Department of Homeland Security".

Subsec. (e). Pub. L. 115-254, §1991(d)(19)(C), struck out par. (1) designation and heading before "The Government's share" and struck out par. (2). Prior to amendment, text of par. (2) read as follows: "The Under Secretary shall revise letters of intent issued before the date of enactment of this section to reflect the cost share established in this subsection with respect to grants made after September 30, 2003."

Subsec. (j). Pub. L. 115-254, §1991(d)(19)(D), struck out subsec. (j) which authorized appropriations for fiscal years 2005 to 2011.

2007—Subsec. (a). Pub. L. 110-53, §1604(a)(1), substituted "shall make" for "may make" in introductory provisions.

Subsec. (d)(1). Pub. L. 110-53, §1604(a)(2), substituted "shall issue" for "may issue".

Subsec. (h)(1). Pub. L. 110-53, §1604(a)(3), substituted "2028" for "2007".

Subsec. (h)(2), (3). Pub. L. 110-53, §1604(a)(4), added pars. (2) and (3) and struck out former pars. (2) and (3) which related to allocation of \$125,000,000 of amount available per fiscal year for large, medium, and small hub airports, nonhub airports, and on the basis of aviation security risks, and allocation of \$125,000,000 of amount available per fiscal year for discretionary grants, with priority given to fulfilling letters of intent issued under subsec. (d).

Subsec. (i). Pub. L. 110-53, §1604(a)(6), added subsec. (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 110-53, §1603(a), substituted "2007, and \$450,000,000 for each of fiscal years 2008 through 2011" for "2007."

Subsec. (j). Pub. L. 110-53, §1604(a)(5), redesignated subsec. (i) as (j).

2004—Subsec. (i)(1). Pub. L. 108-458 substituted "\$400,000,000 for each of fiscal years 2005, 2006, and 2007" for "\$250,000,000 for each of fiscal years 2004 through 2007".

## Statutory Notes and Related Subsidiaries

### 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.

### PRIORITIZATION OF PROJECTS

Pub. L. 110-53, title XVI, §1604(b), Aug. 3, 2007, 121 Stat. 480, required the Administrator of the Transpor-

<sup>1</sup> So in original. Probably should be "Science,".

tation Security Administration to establish a prioritization schedule for airport security improvement projects described in this section based on risk and other relevant factors, to be funded under this section, and to provide to Congress, not later than 180 days after Aug. 3, 2007, a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under this section.

#### PERIOD OF REIMBURSEMENT

Pub. L. 108-458, title IV, § 4019(e)(2), Dec. 17, 2004, 118 Stat. 3722, provided that: “Notwithstanding any other provision of law, the Secretary [of Homeland Security] may provide that the period of reimbursement under any letter of intent may extend for a period not to exceed 10 years after the date that the Secretary issues such letter, subject to the availability of appropriations. This paragraph applies to letters of intent issued under section 44923 of title 49, United States Code, and letters of intent issued under section 367 of the Department of Transportation and Related Agencies Appropriation Act, 2003 [Pub. L. 108-7, div. I] (49 U.S.C. 47110 note).”

### § 44924. Repair station security

(a) SECURITY REVIEW AND AUDIT.—To ensure the security of maintenance and repair work conducted on air carrier aircraft and components at foreign repair stations, the Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall complete a security review and audit of foreign repair stations that are certified by the Administrator of the Federal Aviation Administration under part 145 of title 14, Code of Federal Regulations, and that work on air carrier aircraft and components. The review shall be completed not later than 6 months after the date on which the Administrator of the Transportation Security Administration issues regulations under subsection (f).

(b) ADDRESSING SECURITY CONCERNS.—The Administrator of the Transportation Security Administration shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under subsection (a) within 90 days of providing notice to the repair station of the security issues and vulnerabilities so identified and shall notify the Administrator of the Federal Aviation Administration that a deficiency was identified in the security audit.

(c) SUSPENSIONS AND REVOCATIONS OF CERTIFICATES.—

(1) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES.—If, after the 90th day on which a notice is provided to a foreign repair station under subsection (b), the Administrator of the Transportation Security Administration determines that the foreign repair station does not maintain and carry out effective security measures, the Administrator of the Transportation Security Administration shall notify the Administrator of the Federal Aviation Administration of the determination. Upon receipt of the determination, the Administrator of the Federal Aviation Administration shall suspend the certification of the repair station until such time as the Administrator of the Transportation Security Administration determines that the repair station maintains and carries out effective security

measures and transmits the determination to the Administrator of the Federal Aviation Administration.

(2) IMMEDIATE SECURITY RISK.—If the Administrator of the Transportation Security Administration determines that a foreign repair station poses an immediate security risk, the Administrator of the Transportation Security Administration shall notify the Administrator of the Federal Aviation Administration of the determination. Upon receipt of the determination, the Administrator of the Federal Aviation Administration shall revoke the certification of the repair station.

(3) PROCEDURES FOR APPEALS.—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall establish procedures for appealing a revocation of a certificate under this subsection.

(d) FAILURE TO MEET AUDIT DEADLINE.—If the security audits required by subsection (a) are not completed on or before the date that is 6 months after the date on which the Administrator of the Transportation Security Administration issues regulations under subsection (f), the Administrator of the Federal Aviation Administration shall be barred from certifying any foreign repair station (other than a station that was previously certified, or is in the process of certification, by the Administration under this part) until such audits are completed for existing stations.

(e) PRIORITY FOR AUDITS.—In conducting the audits described in subsection (a), the Administrator of the Transportation Security Administration and the Administrator of the Federal Aviation Administration shall give priority to foreign repair stations located in countries identified by the Government as posing the most significant security risks.

(f) REGULATIONS.—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall issue final regulations to ensure the security of foreign and domestic aircraft repair stations.

(g) REPORT TO CONGRESS.—If the Administrator of the Transportation Security Administration does not issue final regulations before the deadline specified in subsection (f), the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation as to why the deadline was not met and a schedule for issuing the final regulations.

(Added Pub. L. 108-176, title VI, § 611(b)(1), Dec. 12, 2003, 117 Stat. 2571; amended Pub. L. 110-53, title XVI, § 1616(b), Aug. 3, 2007, 121 Stat. 488; Pub. L. 115-254, div. K, title I, § 1991(d)(20), Oct. 5, 2018, 132 Stat. 3637.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-254, § 1991(d)(20)(D), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(d)(20)(A), substituted “Administrator of the Transportation Security Administration,” for “Under Secretary for Border and Transportation Security of the Department of Homeland Security,” and “Administrator of the Federal Aviation Administration under” for “Administrator under”.

Subsec. (b). Pub. L. 115-254, §1991(d)(20)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

Subsec. (c). Pub. L. 115-254, §1991(d)(20)(B), which directed substitution of “Administrator of the Federal Aviation Administration” for “Administrator”, was executed by making the substitution wherever appearing, to reflect the probable intent of Congress.

Subsecs. (d), (e). Pub. L. 115-254, §1991(d)(20)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

Subsec. (f). Pub. L. 115-254, §1991(d)(20)(C), substituted “The” for “Not later than 240 days after the date of enactment of this section, the”.

Pub. L. 115-254, §1991(d)(20)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

2007—Subsec. (a). Pub. L. 110-53, §1616(b)(1), substituted “6 months” for “18 months”.

Subsec. (d). Pub. L. 110-53, §1616(b)(2), inserted “(other than a station that was previously certified, or is in the process of certification, by the Administration under this part)” after “foreign repair station”.

Pub. L. 110-53, §1616(b)(1), which directed amendment of subsec. (b) by substituting “6 months” for “18 months”, was executed by making the substitution in subsec. (d), to reflect the probable intent of Congress.

#### Statutory Notes and Related Subsidiaries

##### 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.

##### SUSPENSION OF CERTIFICATION OF FOREIGN REPAIR STATIONS

Pub. L. 110-53, title XVI, §1616(a), Aug. 3, 2007, 121 Stat. 488, provided that: “If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 1 year after the date of enactment of this Act [Aug. 3, 2007], the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such date unless the station was previously certified, or is in the process of certification by the Administration under that part.”

#### § 44925. Deployment and use of detection equipment at airport screening checkpoints

(a) WEAPONS AND EXPLOSIVES.—The Secretary of Homeland Security shall give a high priority to developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property. The Secretary shall ensure that the equipment alone, or as part of an integrated system, can detect under realistic operating conditions the types of weapons and explosives that terrorists would likely try to smuggle aboard an air carrier aircraft.

(b) STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall

submit to the appropriate congressional committees a strategic plan to promote the optimal utilization and deployment of explosive detection equipment at airports to screen individuals and their personal property. Such equipment includes walk-through explosive detection portals, document scanners, shoe scanners, and backscatter x-ray scanners. The plan may be submitted in a classified format.

(2) CONTENT.—The strategic plan shall include, at minimum—

(A) a description of current efforts to detect explosives in all forms on individuals and in their personal property;

(B) a description of the operational applications of explosive detection equipment at airport screening checkpoints;

(C) a deployment schedule and a description of the quantities of equipment needed to implement the plan;

(D) a description of funding needs to implement the plan, including a financing plan that provides for leveraging of non-Federal funding;

(E) a description of the measures taken and anticipated to be taken in carrying out subsection (d); and

(F) a description of any recommended legislative actions.

(c) PORTAL DETECTION SYSTEMS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$250,000,000, in addition to any amounts otherwise authorized by law, for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

(d) INTERIM ACTION.—Until measures are implemented that enable the screening of all passengers for explosives, the Administrator of the Transportation Security Administration shall provide, by such means as the Administrator of the Transportation Security Administration considers appropriate, explosives detection screening for all passengers identified for additional screening and their personal property that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(Added Pub. L. 108-458, title IV, §4013(a), Dec. 17, 2004, 118 Stat. 3719; amended Pub. L. 110-53, title XVI, §1607(b), Aug. 3, 2007, 121 Stat. 483; Pub. L. 115-254, div. K, title I, §1991(d)(21), Oct. 5, 2018, 132 Stat. 3637.)

#### Editorial Notes

##### AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-254, §1991(d)(21)(A), substituted “The Administrator of the Transportation Security Administration” for “Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration)”.

Subsec. (b)(3). Pub. L. 115-254, §1991(d)(21)(B), struck out par. (3). Text read as follows: “The Secretary shall begin implementation of the strategic plan within one year after the date of enactment of this paragraph.”

Subsec. (d). Pub. L. 115-254, §1991(d)(21)(C), substituted “Administrator of the Transportation Secu-



Administration” for “Assistant Secretary” in two places.

2007—Subsec. (b)(3). Pub. L. 110-53 added par. (3).

#### Statutory Notes and Related Subsidiaries

##### MOVEMENT AND REDEPLOYMENT OF MOBILE EXPLOSIVES DETECTION SYSTEMS

Pub. L. 114-113, div. F, title II, Dec. 18, 2015, 129 Stat. 2499, provided in part: “That notwithstanding any other provision of law, for the current fiscal year and each fiscal year hereafter, mobile explosives detection systems purchased and deployed using funds made available under this heading [Transportation Security Administration, Aviation Security] may be moved and redeployed to meet evolving passenger and baggage screening security priorities at airports”.

##### ISSUANCE OF STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS

Pub. L. 110-53, title XVI, §1607(a), Aug. 3, 2007, 121 Stat. 483, provided that, not later than 30 days after Aug. 3, 2007, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, was to issue the strategic plan the Secretary was required by subsec. (b) of this section to have issued within 90 days after Dec. 17, 2004.

##### ADVANCED AIRPORT CHECKPOINT SCREENING DEVICES

Pub. L. 108-458, title IV, §4014, Dec. 17, 2004, 118 Stat. 3720, directed the Assistant Secretary of Homeland Security (Transportation Security Administration), not later than Mar. 31, 2005, to develop and initiate a pilot program to deploy and test advanced airport checkpoint screening devices and technology as an integrated system at not less than 5 airports in the United States.

#### § 44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, United States Customs and Border Protection, or any other office or component of the Department of Homeland Security.

(b) OFFICE OF APPEALS AND REDRESS.—

(1) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, United States Customs and Border Protection, and such other offices and components of the Department as the Secretary determines appropriate.

(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.

(3) INFORMATION.—To prevent repeated delays of a misidentified passenger or other individual, the Office shall—

(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual;

(B) furnish to the Transportation Security Administration, United States Customs and Border Protection, or any other appropriate office or component of the Department, upon request, such information as may be necessary to allow such office or component to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives; and

(C) require air carriers and foreign air carriers take action to identify passengers determined, under the process established under subsection (a), to have been wrongly identified.

(4) HANDLING OF PERSONALLY IDENTIFIABLE INFORMATION.—The Secretary, in conjunction with the Chief Privacy Officer of the Department shall—

(A) require that Federal employees of the Department handling personally identifiable information of passengers (in this paragraph referred to as “PII”) complete mandatory privacy and security training prior to being authorized to handle PII;

(B) ensure that the records maintained under this subsection are secured by encryption, one-way hashing, other data anonymization techniques, or such other equivalent security technical protections as the Secretary determines necessary;

(C) limit the information collected from misidentified passengers or other individuals to the minimum amount necessary to resolve a redress request;

(D) require that the data generated under this subsection shall be shared or transferred via a secure data network, that has been audited to ensure that the anti-hacking and other security related software functions properly and is updated as necessary;

(E) ensure that any employee of the Department receiving the data contained within the records handles the information in accordance with the section 552a of title 5, United States Code, and the Federal Information Security Management Act of 2002 (Public Law 107-296);

(F) only retain the data for as long as needed to assist the individual traveler in the redress process; and

(G) conduct and publish a privacy impact assessment of the process described within this subsection and transmit the assessment to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Homeland Security and Governmental Affairs of the Senate.

(5) INITIATION OF REDRESS PROCESS AT AIRPORTS.—The Office shall establish at each airport at which the Department has a significant presence a process to provide information to air carrier passengers to begin the redress process established pursuant to subsection (a).

(Added Pub. L. 110–53, title XVI, §1606(a), Aug. 3, 2007, 121 Stat. 482; amended Pub. L. 115–254, div. K, title I, §1991(d)(22), Oct. 5, 2018, 132 Stat. 3637.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Federal Information Security Management Act of 2002, referred to in subsec. (b)(4)(E), is title X of Pub. L. 107–296, Nov. 25, 116 Stat. 2259. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6, Domestic Security, and Tables.

##### AMENDMENTS

2018—Subsec. (b)(3). Pub. L. 115–254 substituted “a misidentified passenger” for “an misidentified passenger” in introductory provisions.

#### § 44927. Expedited screening for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans

(a) PASSENGER SCREENING.—The Administrator of the Transportation Security Administration, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and organizations identified by the Secretaries of Defense and Veterans Affairs that advocate on behalf of severely injured or disabled members of the Armed Forces and severely injured or disabled veterans, shall develop and implement a process to support and facilitate the ease of travel and to the extent possible provide expedited passenger screening services for severely injured or disabled members of the Armed Forces and severely injured or disabled veterans through passenger screening. The process shall be designed to offer the individual private screening to the maximum extent practicable.

(b) OPERATIONS CENTER.—As part of the process under subsection (a), the Administrator of the Transportation Security Administration shall maintain an operations center to provide support and facilitate the movement of severely injured or disabled members of the Armed Forces and severely injured or disabled veterans through passenger screening prior to boarding a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(c) PROTOCOLS.—The Administrator of the Transportation Security Administration shall—

(1) establish and publish protocols, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the organizations identified under subsection (a), under which a severely injured or disabled member of the Armed Forces or severely injured or disabled veteran, or the family member or other representative of such member or veteran, may contact the operations center maintained under subsection (b) and request the expedited passenger screening services described in subsection (a) for that member or veteran; and

(2) upon receipt of a request under paragraph (1), require the operations center to notify the appropriate Federal Security Director of the request for expedited passenger screening services, as described in subsection (a), for that member or veteran.

(d) TRAINING.—The Administrator of the Transportation Security Administration shall

integrate training on the protocols established under subsection (c) into the training provided to all employees who will regularly provide the passenger screening services described in subsection (a).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall affect the authority of the Administrator of the Transportation Security Administration to require additional screening of a severely injured or disabled member of the Armed Forces, a severely injured or disabled veteran, or their accompanying family members or nonmedical attendants, if intelligence, law enforcement, or other information indicates that additional screening is necessary.

(f) REPORTS.—Each year, the Administrator of the Transportation Security Administration shall submit to Congress a report on the implementation of this section. Each report shall include each of the following:

(1) Information on the training provided under subsection (d).

(2) Information on the consultations between the Administrator of the Transportation Security Administration and the organizations identified under subsection (a).

(3) The number of people who accessed the operations center during the period covered by the report.

(4) Such other information as the Administrator of the Transportation Security Administration determines is appropriate.

(Added Pub. L. 113–27, §2(a), Aug. 9, 2013, 127 Stat. 503; amended Pub. L. 115–254, div. K, title I, §1991(d)(23), Oct. 5, 2018, 132 Stat. 3637.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(23)(A), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(23)(B), substituted “Veterans Affairs that” for “Veteran Affairs that”.

Subsec. (f). Pub. L. 115–254, §1991(d)(23)(C), substituted “Reports” for “Report” in heading and “Each year,” for “Not later than 1 year after the date of enactment of this section, and annually thereafter,” in introductory provisions.

#### § 44928. Honor Flight program

The Administrator of the Transportation Security Administration shall establish, in collaboration with the Honor Flight Network or other not-for-profit organization that honors veterans, a process for providing expedited and dignified passenger screening services for veterans traveling on an Honor Flight Network private charter, or such other not-for-profit organization that honors veterans, to visit war memorials built and dedicated to honor the service of such veterans.

(Added Pub. L. 113–221, §2(a), Dec. 16, 2014, 128 Stat. 2094.)

#### § 44929. Donation of screening equipment to protect the United States

(a) IN GENERAL.—Subject to subsection (b), the Administrator is authorized to donate security screening equipment to a foreign last point of

departure airport operator if such equipment can be reasonably expected to mitigate a specific vulnerability to the security of the United States or United States citizens.

(b) **CONDITIONS.**—Before donating any security screening equipment to a foreign last point of departure airport operator the Administrator shall—

(1) ensure that the screening equipment has been restored to commercially available settings;

(2) ensure that no TSA-specific security standards or algorithms exist on the screening equipment; and

(3) verify that the appropriate officials have an adequate system—

(A) to properly maintain and operate the screening equipment; and

(B) to document and track any removal or disposal of the screening equipment to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

(c) **REPORTS.**—Not later than 30 days before any donation of security screening equipment under subsection (a), the Administrator shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a detailed written explanation of the following:

(1) The specific vulnerability to the United States or United States citizens that will be mitigated by such donation.

(2) An explanation as to why the recipient of such donation is unable or unwilling to purchase security screening equipment to mitigate such vulnerability.

(3) An evacuation plan for sensitive technologies in case of emergency or instability in the country to which such donation is being made.

(4) How the Administrator will ensure the security screening equipment that is being donated is used and maintained over the course of its life by the recipient.

(5) The total dollar value of such donation.

(6) How the appropriate officials will document and track any removal or disposal of the screening equipment by the recipient to ensure the screening equipment does not come into the possession of terrorists or otherwise pose a risk to security.

(Added Pub. L. 115–254, div. K, title I, §1955(a)(1), Oct. 5, 2018, 132 Stat. 3595.)

#### SUBCHAPTER II—ADMINISTRATION AND PERSONNEL

##### § 44931. Authority to exempt

The Secretary of Homeland Security may grant an exemption from a regulation prescribed in carrying out sections 44901, 44903, 44906, 44909(c), and 44935–44937 of this title when the Secretary decides the exemption is in the public interest.

(Added Pub. L. 115–254, div. K, title I, §1991(j)(1), Oct. 5, 2018, 132 Stat. 3645.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 44931, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1215, related to the Director of Intelligence and Security, prior to repeal by Pub. L. 107–71, title I, §101(f)(6), Nov. 19, 2001, 115 Stat. 603.

##### § 44932. Administrative

(a) **GENERAL AUTHORITY.**—The Secretary of Homeland Security or the Administrator of the Transportation Security Administration may take action the Secretary or the Administrator considers necessary to carry out this chapter and chapters 461, 463, and 465 of this title, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders.

(b) **INDEMNIFICATION.**—The Administrator of the Transportation Security Administration may indemnify an officer or employee of the Transportation Security Administration against a claim or judgment arising out of an act that the Administrator decides was committed within the scope of the official duties of the officer or employee.

(Added Pub. L. 115–254, div. K, title I, §1991(j)(1), Oct. 5, 2018, 132 Stat. 3645.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 44932, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1215; Pub. L. 107–71, title I, §110(a), Nov. 19, 2001, 115 Stat. 614, related to the Assistant Administrator for Civil Aviation Security, prior to repeal by Pub. L. 107–71, title I, §101(f)(6), Nov. 19, 2001, 115 Stat. 603.

##### § 44933. Federal Security Managers<sup>1</sup>

(a) **ESTABLISHMENT, DESIGNATION, AND STATIONING.**—The Administrator of the Transportation Security Administration shall establish the position of Federal Security Director at each airport in the United States described in section 44903(c). The Administrator of the Transportation Security Administration shall designate individuals as Federal Security Directors for, and station those Federal Security Directors at, those airports.

(b) **DUTIES AND POWERS.**—The Federal Security Director at each airport shall—

(1) oversee the screening of passengers and property at the airport; and

(2) carry out other duties prescribed by the Administrator of the Transportation Security Administration.

(c) **INFORMATION SHARING.**—Not later than 1 year after the date of the enactment of the TSA Modernization Act, the Administrator shall—

(1) require each Federal Security Director of an airport to meet at least quarterly with the airport director, airport security coordinator, and law enforcement agencies serving each such airport to discuss incident management protocols, including the resolution of screening anomalies at passenger screening checkpoints; and

(2) require each Federal Security Director at an airport to inform, consult, and coordinate,

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

as appropriate, with the respective airport security coordinator in a timely manner on security matters impacting airport operations and to establish and maintain operational protocols with such airport operators to ensure coordinated responses to security matters.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1216; Pub. L. 107-71, title I, §§101(f)(4), 103, Nov. 19, 2001, 115 Stat. 603, 605; Pub. L. 115-254, div. K, title I, §§1989(a), 1991(d)(24), Oct. 5, 2018, 132 Stat. 3624, 3637.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44933(a) .....	49 App.:1358b(a)(1), (2), (4).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §319(a); added Nov. 16, 1990, Pub. L. 101-604, §104, 104 Stat. 3070.
44933(b) .....	49 App.:1358b(a)(3).	
44933(c) .....	49 App.:1358b(a)(5).	

In subsection (a), the words “Not later than 90 days after November 16, 1990” are omitted as obsolete. The words “The Administrator shall designate individuals as Managers for, and station those Managers at, those airports” are substituted for “and shall begin designating persons as such Managers and stationing such Managers at such airports” for clarity and because of the restatement. The words “and designate a current field employee of the Administration as a Manager” are substituted for “assign the functions and responsibilities described in this section to existing Federal Aviation Administration field personnel and designate such personnel accordingly” to eliminate unnecessary words. The words “to the office of” are omitted as unnecessary. The words “Not later than 1 year after November 16, 1990” are omitted as obsolete. The words “Secretary of Transportation” are substituted for “Department of Transportation” because of 49:102.

In subsection (b), before clause (1), the words “The Manager at each airport shall” are substituted for “The responsibilities of a Federal Security Manager shall include the following” to eliminate unnecessary words. In clause (2)(A), the words “air carrier” are substituted for “such air carrier” because this is the first time the term is used in the source provisions. In clause (3), the words “United States Government” are substituted for “Federal” for clarity and consistency in the revised title and with other titles of the United States Code. In clause (7), the words “other Managers” are substituted for “Federal Security Managers at other airports, as appropriate” to eliminate unnecessary words.

In subsection (c), the words “duties and powers” are substituted for “responsibilities” for clarity and consistency in the revised title and with other titles of the Code.

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the TSA Modernization Act, referred to in subsec. (c), is the date of the enactment of title I of div. K of Pub. L. 115-254, which was approved Oct. 5, 2018.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(24)(C), substituted “Administrator of the Transportation Security Administration shall designate” for “Under Secretary shall designate”.

Pub. L. 115-254, §1991(d)(24)(A), substituted “Administrator of the Transportation Security Administration shall establish” for “Under Secretary of Transportation for Security shall establish”, “Federal Security Director” for “Federal Security Manager”, and, in two places, “Federal Security Directors” for “Managers”.

Subsec. (b). Pub. L. 115-254, §1991(d)(24)(B), substituted “Federal Security Director” for “Manager” in introductory provisions.

Subsec. (b)(2). Pub. L. 115-254, §1991(d)(24)(C), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (c). Pub. L. 115-254, §1989(a), added subsec. (c).  
2001—Pub. L. 107-71, §103, amended section generally, substituting provisions relating to designation, establishment, and stationing procedures and duties and powers for provisions which contained a more detailed listing of responsibilities and a prohibition against a Civil Aviation Security Field Officer being assigned security duties and powers at an airport having a Manager.

Subsec. (a). Pub. L. 107-71, §101(f)(4), substituted “Under Secretary” for “Assistant Administrator for Civil Aviation Security”.

§ 44934. Foreign Security Liaison Officers

(a) ESTABLISHMENT, DESIGNATION, AND STATIONING.—The Administrator of the Transportation Security Administration shall establish the position of Foreign Security Liaison Officer for each airport outside the United States at which the Administrator decides an Officer is necessary for air transportation security. In coordination with the Secretary of State, the Administrator shall designate an Officer for each of those airports. In coordination with the Secretary of State, the Administrator shall designate an Officer for each of those airports where extraordinary security measures are in place. The Secretary of State shall give high priority to stationing those Officers.

(b) DUTIES AND POWERS.—An Officer reports directly to the Administrator of the Transportation Security Administration. The Officer at each airport shall—

(1) serve as the liaison of the Administrator to foreign security authorities (including governments of foreign countries and foreign airport authorities) in carrying out United States Government security requirements at that airport; and

(2) to the extent practicable, carry out duties and powers referred to in section 44933(b) of this title.

(c) COORDINATION OF ACTIVITIES.—The activities of each Officer shall be coordinated with the chief of the diplomatic mission of the United States to which the Officer is assigned. Activities of an Officer under this section shall be consistent with the duties and powers of the Secretary of State and the chief of mission to a foreign country under section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802) and section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1217; Pub. L. 107-71, title I, §101(f)(4), (5), (7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, §1991(d)(25), Oct. 5, 2018, 132 Stat. 3638.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44934(a) .....	49 App.:1358b(b)(1), (2).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §319(b); added Nov. 16, 1990, Pub. L. 101-604, §104, 104 Stat. 3071.
44934(b) .....	49 App.:1358b(b)(3), (4).	

## HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44934(c) .....	49 App.:1358b(b)(5).	

In subsection (a), the words “Not later than 90 days after November 16, 1990” are omitted as obsolete. The words “shall designate” are substituted for “shall begin assigning” for consistency with the source provisions restated in section 44933 of the revised title and because of the restatement. The words “Not later than 2 years after November 16, 1990” are omitted as obsolete. The word “designate” is substituted for “assign” for consistency with the source provisions restated in section 44933 of the revised title. The words “outside the United States” are omitted as unnecessary.

In subsection (b), before clause (1), the words “to the office of” are omitted as unnecessary. In clause (1), the words “governments of foreign countries and foreign airport authorities” are substituted for “foreign governments and airport authorities” for clarity and consistency in the revised title and with other titles of the United States Code. In clause (2), the words “duties and powers” are substituted for “responsibilities” for consistency in the revised title and with other titles of the Code.

In subsection (c), the words “duties and powers” are substituted for “authorities” for clarity and consistency in the revised title and with other titles of the Code.

**Editorial Notes****AMENDMENTS**

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(25)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”, “airports. In coordination with the Secretary of State” for “airports. In coordination with the Secretary”, “The Secretary of State shall give high priority” for “The Secretary shall give high priority”, and, wherever appearing, “Administrator” for “Under Secretary”.

Subsec. (b). Pub. L. 115-254, §1991(d)(25)(B)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” in introductory provisions.

Subsec. (b)(1). Pub. L. 115-254, §1991(d)(25)(B)(ii), substituted “Administrator” for “Under Secretary”.

Subsec. (c). Pub. L. 115-254, §1991(d)(25)(C), substituted “the Secretary of State and the chief” for “the Secretary and the chief”.

2001—Subsec. (a). Pub. L. 107-71, §101(f)(7), (9), substituted “Under Secretary” for “Administrator” wherever appearing and “of Transportation for Security” for “of the Federal Aviation Administration”.

Subsec. (b). Pub. L. 107-71, §101(f)(4), substituted “Under Secretary” for “Assistant Administrator for Civil Aviation Security” in introductory provisions.

Subsec. (b)(1). Pub. L. 107-71, §101(f)(5), substituted “Under Secretary” for “Assistant Administrator”.

**§ 44935. Employment standards and training**

(a) **EMPLOYMENT STANDARDS.**—The Administrator shall prescribe standards for the employment and continued employment of, and contracting for, air carrier personnel and, as appropriate, airport security personnel. The standards shall include—

- (1) minimum training requirements for new employees;
- (2) retraining requirements;
- (3) minimum staffing levels;
- (4) minimum language skills; and
- (5) minimum education levels for employees, when appropriate.

(b) **REVIEW AND RECOMMENDATIONS.**—In coordination with air carriers, airport operators, and other interested persons, the Administrator shall review issues related to human performance in the aviation security system to maximize that performance. When the review is completed, the Administrator shall recommend guidelines and prescribe appropriate changes in existing procedures to improve that performance.

(c) **SECURITY PROGRAM TRAINING, STANDARDS, AND QUALIFICATIONS.**—(1) The Administrator—

(A) may train individuals employed to carry out a security program under section 44903(c) of this title; and

(B) shall prescribe uniform training standards and uniform minimum qualifications for individuals eligible for that training.

(2) The Administrator may authorize reimbursement for travel, transportation, and subsistence expenses for security training of non-United States Government domestic and foreign individuals whose services will contribute significantly to carrying out civil aviation security programs. To the extent practicable, air travel reimbursed under this paragraph shall be on air carriers.

(d) **EDUCATION AND TRAINING STANDARDS FOR SECURITY COORDINATORS, SUPERVISORY PERSONNEL, AND PILOTS.**—(1) The Administrator shall prescribe standards for educating and training—

(A) ground security coordinators;

(B) security supervisory personnel; and

(C) airline pilots as in-flight security coordinators.

(2) The standards shall include initial training, retraining, and continuing education requirements and methods. Those requirements and methods shall be used annually to measure the performance of ground security coordinators and security supervisory personnel.

(e) **SECURITY SCREENERS.**—

(1) **TRAINING PROGRAM.**—The Administrator shall establish a program for the hiring and training of security screening personnel.

(2) **HIRING.**—

(A) **QUALIFICATIONS.**—The Administrator shall establish qualification standards for individuals to be hired by the United States as security screening personnel. Notwithstanding any other provision of law, those standards shall require, at a minimum, an individual—

(i) to have a satisfactory or better score on a Federal security screening personnel selection examination;

(ii) to be a citizen of the United States or a national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(iii) to meet, at a minimum, the requirements set forth in subsection (f);

(iv) to meet such other qualifications as the Administrator may establish; and

(v) to have the ability to demonstrate daily a fitness for duty without any impairment due to illegal drugs, sleep deprivation, medication, or alcohol.

(B) BACKGROUND CHECKS.—The Administrator shall require that an individual to be hired as a security screener undergo an employment investigation (including a criminal history record check) under section 44936(a)(1).

(C) DISQUALIFICATION OF INDIVIDUALS WHO PRESENT NATIONAL SECURITY RISKS.—The Administrator, in consultation with the heads of other appropriate Federal agencies, shall establish procedures, in addition to any background check conducted under section 44936, to ensure that no individual who presents a threat to national security is employed as a security screener.

(3) EXAMINATION; REVIEW OF EXISTING RULES.—The Administrator shall develop a security screening personnel examination for use in determining the qualification of individuals seeking employment as security screening personnel. The Administrator shall also review, and revise as necessary, any standard, rule, or regulation governing the employment of individuals as security screening personnel.

(f) EMPLOYMENT STANDARDS FOR SCREENING PERSONNEL.—

(1) SCREENER REQUIREMENTS.—Notwithstanding any other provision of law, an individual may not be deployed as a security screener unless that individual meets the following requirements:

(A) The individual shall possess a high school diploma, a general equivalency diploma, or experience that the Administrator has determined to be sufficient for the individual to perform the duties of the position.

(B) The individual shall possess basic aptitudes and physical abilities, including color perception, visual and aural acuity, physical coordination, and motor skills, to the following standards:

(i) Screeners operating screening equipment shall be able to distinguish on the screening equipment monitor the appropriate imaging standard specified by the Administrator.

(ii) Screeners operating any screening equipment shall be able to distinguish each color displayed on every type of screening equipment and explain what each color signifies.

(iii) Screeners shall be able to hear and respond to the spoken voice and to audible alarms generated by screening equipment in an active checkpoint environment.

(iv) Screeners performing physical searches or other related operations shall be able to efficiently and thoroughly manipulate and handle such baggage, containers, and other objects subject to security processing.

(v) Screeners who perform pat-downs or hand-held metal detector searches of individuals shall have sufficient dexterity and capability to thoroughly conduct those procedures over an individual's entire body.

(C) The individual shall be able to read, speak, and write English well enough to—

(i) carry out written and oral instructions regarding the proper performance of screening duties;

(ii) read English language identification media, credentials, airline tickets, and labels on items normally encountered in the screening process;

(iii) provide direction to and understand and answer questions from English-speaking individuals undergoing screening; and

(iv) write incident reports and statements and log entries into security records in the English language.

(D) The individual shall have satisfactorily completed all initial, recurrent, and appropriate specialized training required by the security program, except as provided in paragraph (3).

(2) VETERANS PREFERENCE.—The Administrator shall provide a preference for the hiring of an individual as a security screener if the individual is a member or former member of the armed forces and if the individual is entitled, under statute, to retired, retirement, or retainer pay on account of service as a member of the armed forces.

(3) EXCEPTIONS.—An individual who has not completed the training required by this section may be deployed during the on-the-job portion of training to perform functions if that individual—

(A) is closely supervised; and

(B) does not make independent judgments as to whether individuals or property may enter a sterile area or aircraft without further inspection.

(4) REMEDIAL TRAINING.—No individual employed as a security screener may perform a screening function after that individual has failed an operational test related to that function until that individual has successfully completed the remedial training specified in the security program.

(5) ANNUAL PROFICIENCY REVIEW.—The Administrator shall provide that an annual evaluation of each individual assigned screening duties is conducted and documented. An individual employed as a security screener may not continue to be employed in that capacity unless the evaluation demonstrates that the individual—

(A) continues to meet all qualifications and standards required to perform a screening function;

(B) has a satisfactory record of performance and attention to duty based on the standards and requirements in the security program; and

(C) demonstrates the current knowledge and skills necessary to courteously, vigilantly, and effectively perform screening functions.

(6) OPERATIONAL TESTING.—In addition to the annual proficiency review conducted under paragraph (5), the Administrator shall provide for the operational testing of such personnel.

(g) TRAINING.—

(1) USE OF OTHER AGENCIES.—The Administrator may enter into a memorandum of un-

derstanding or other arrangement with any other Federal agency or department with appropriate law enforcement responsibilities, to provide personnel, resources, or other forms of assistance in the training of security screening personnel.

(2) TRAINING PLAN.—The Administrator shall develop a plan for the training of security screening personnel. The plan shall require, at a minimum, that a security screener—

(A) has completed 40 hours of classroom instruction or successfully completed a program that the Administrator determines will train individuals to a level of proficiency equivalent to the level that would be achieved by such classroom instruction;

(B) has completed 60 hours of on-the-job instructions; and

(C) has successfully completed an on-the-job training examination prescribed by the Administrator.

(3) EQUIPMENT-SPECIFIC TRAINING.—An individual employed as a security screener may not use any security screening device or equipment in the scope of that individual's employment unless the individual has been trained on that device or equipment and has successfully completed a test on the use of the device or equipment.

(h) TECHNOLOGICAL TRAINING.—

(1) IN GENERAL.—The Administrator shall require training to ensure that screeners are proficient in using the most up-to-date new technology and to ensure their proficiency in recognizing new threats and weapons.

(2) PERIODIC ASSESSMENTS.—The Administrator shall make periodic assessments to determine if there are dual use items and inform security screening personnel of the existence of such items.

(3) CURRENT LISTS OF DUAL USE ITEMS.—Current lists of dual use items shall be part of the ongoing training for screeners.

(4) DUAL USE DEFINED.—For purposes of this subsection, the term “dual use” item means an item that may seem harmless but that may be used as a weapon.

(i) LIMITATION ON RIGHT TO STRIKE.—An individual that screens passengers or property, or both, at an airport under this section may not participate in a strike, or assert the right to strike, against the person (including a governmental entity) employing such individual to perform such screening.

(j) UNIFORMS.—The Administrator shall require any individual who screens passengers and property pursuant to section 44901 to be attired while on duty in a uniform approved by the Administrator.

(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—The Administrator shall work with air carriers and airports to ensure that computer-based training facilities intended for use by security screeners at an airport regularly serving an air carrier holding a certificate issued by the Secretary of Transportation are conveniently located for that airport and easily accessible.

(l)<sup>1</sup> INITIAL AND RECURRING TRAINING.—

(1) IN GENERAL.—The Administrator shall establish a training program for new security screening personnel located at the Transportation Security Administration Academy.

(2) RECURRING TRAINING.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of the TSA Modernization Act, the Administrator shall establish recurring training for security screening personnel regarding updates to screening procedures and technologies, including, in response to weaknesses identified in covert tests at airports—

(i) methods to identify the verification of false or fraudulent travel documents; and

(ii) training on emerging threats.

(B) CONTENTS.—The training under subparagraph (A) shall include—

(i) internal controls for monitoring and documenting compliance of transportation security officers with such training requirements; and

(ii) such other matters as identified by the Administrator with regard to such training.

(l)<sup>1</sup> DEFINITION OF ADMINISTRATOR.—In this section, the term “Administrator” means the Administrator of the Transportation Security Administration.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1217; Pub. L. 106-528, § 3, Nov. 22, 2000, 114 Stat. 2519; Pub. L. 107-71, title I, §§ 101(f)(7), (9), 111(a), Nov. 19, 2001, 115 Stat. 603, 616; Pub. L. 107-296, title XVI, § 1603, Nov. 25, 2002, 116 Stat. 2313; Pub. L. 115-254, div. K, title I, §§ 1948(a), 1991(d)(26), Oct. 5, 2018, 132 Stat. 3587, 3638.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44935(a) .....	49 App.:1357(h).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 316(h)-(j); added Nov. 16, 1990, Pub. L. 101-604, § 105(a), 104 Stat. 3073.
44935(b) .....	49 App.:1357(i).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 316(c); added Aug. 5, 1974, Pub. L. 93-366, § 202, 88 Stat. 416; Oct. 31, 1992, Pub. L. 102-581, § 202, 106 Stat. 4890.
44935(c) .....	49 App.:1357(c).	
44935(d) .....	49 App.:1357(j).	

In subsection (a), before clause (1), the words “Not later than 270 days after November 16, 1990” are omitted as obsolete. The words “contracting for” are substituted for “contracting of” for clarity and consistency in the revised title.

In subsection (c)(1)(A), the words “individuals employed” are substituted for “personnel employed by him . . . and for other personnel, including State, local, and private law enforcement personnel, whose services may be utilized” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (c)(1)(B), the words “individuals eligible” are substituted for “personnel whose services are utilized to enforce any such transportation security program, including State, local, and private law enforcement personnel . . . for personnel eligible” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (c)(2), the words “under this section” are omitted as unnecessary. The words “United States”

<sup>1</sup> So in original. Two subses. (l) have been enacted.

before “air carriers” are omitted because of the definition of “air carrier” in section 40102(a) of the revised title.

In subsection (d)(1), before clause (A), the words “Not later than 180 days after November 16, 1990” are omitted as obsolete.

### Editorial Notes

#### REFERENCES IN TEXT

The date of enactment of the TSA Modernization Act, referred to in subsec. (l)(2)(A), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

#### AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(26)(E), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(26)(A), substituted “Administrator” for “Under Secretary of Transportation for Security” in introductory provisions.

Subsec. (e)(1). Pub. L. 115–254, §1991(d)(26)(B)(i), substituted “Administrator” for “Under Secretary of Transportation for Security”.

Subsec. (e)(2)(A). Pub. L. 115–254, §1991(d)(26)(B)(ii)(I), in introductory provisions, substituted “The” for “Within 30 days after the date of enactment of the Aviation and Transportation Security Act, the” and inserted “other” before “provision of law”.

Subsec. (e)(2)(A)(ii). Pub. L. 115–254, §1991(d)(26)(B)(ii)(II), which directed substitution of “section 101(a)(22)” for “section 1102(a)(22)”, was executed by making the substitution for “section 1101(a)(22)”, to reflect the probable intent of Congress.

Subsec. (f)(1). Pub. L. 115–254, §1991(d)(26)(C), inserted “other” before “provision of law” in introductory provisions.

Subsec. (g)(2). Pub. L. 115–254, §1991(d)(26)(D), substituted “The” for “Within 60 days after the date of enactment of the Aviation and Transportation Security Act, the” in introductory provisions.

Subsec. (k). Pub. L. 115–254, §1948(a)(1), which directed the redesignation of subsec. (i) relating to accessibility of computer-based training facilities as (k) by substituting “(k) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—” for “(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—”, was executed by making the substitution for “(i) ACCESSIBILITY OF COMPUTER-BASED TRAINING FACILITIES.—” to reflect the probable intent of Congress.

Subsec. (l). Pub. L. 115–254, §1991(d)(26)(F), added subsec. (l) defining “Administrator”.

Pub. L. 115–254, §1948(a)(2), added subsec. (l) relating to initial and recurring training.

2002—Subsec. (e)(2)(A)(ii). Pub. L. 107–296 substituted “citizen of the United States or a national of the United States, as defined in section 1101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))” for “citizen of the United States”.

2001—Subsec. (a). Pub. L. 107–71, §101(f)(7), (9), substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration” in introductory provisions.

Subsec. (b). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Subsec. (c). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions of par. (1) and in par. (2).

Subsec. (d)(1). Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions.

Subsec. (e). Pub. L. 107–71, §111(a)(2), added subsec. (e) and struck out former subsec. (e) which established training standards for screeners.

Subsec. (f). Pub. L. 107–71, §111(a)(2), added subsec. (f). Former subsec. (f) redesignated (i).

Pub. L. 107–71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsecs. (g), (h). Pub. L. 107–71, §111(a)(2), added subsecs. (g) and (h).

Subsec. (i). Pub. L. 107–71, §111(a)(2), added subsec. (i) relating to limitation on right to strike.

Pub. L. 107–71, §111(a)(1), redesignated subsec. (f) as (i) relating to accessibility of computer-based training facilities.

Subsec. (j). Pub. L. 107–71, §111(a)(2), added subsec. (j). 2000—Subsecs. (e), (f). Pub. L. 106–528 added subsecs. (e) and (f).

### Statutory Notes and Related Subsidiaries

#### 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.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–528 effective 30 days after Nov. 22, 2000, see section 9 of Pub. L. 106–528, set out as a note under section 106 of this title.

#### TRANSITION

Pub. L. 107–71, title I, §111(c), Nov. 19, 2001, 115 Stat. 620, provided that: “The Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] shall complete the full implementation of section 44935 (e), (f), (g), and (h) of title 49, United States Code, as amended by subsection (a), as soon as is practicable. The Under Secretary may make or continue such arrangements for the training of security screeners under that section as the Under Secretary determines necessary pending full implementation of that section as so amended.”

#### IMPROVEMENT OF SCREENER JOB PERFORMANCE

Pub. L. 108–458, title IV, §4015, Dec. 17, 2004, 118 Stat. 3720, provided that:

“(a) REQUIRED ACTION.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall take such action as may be necessary to improve the job performance of airport screening personnel.

“(b) HUMAN FACTORS STUDY.—In carrying out this section, the Assistant Secretary shall provide, not later than 180 days after the date of the enactment of this Act [Dec. 17, 2004], to the appropriate congressional committees a report on the results of any human factors study conducted by the Department of Homeland Security to better understand problems in screener performance and to improve screener performance.”

[For definitions of “airport” and “appropriate congressional committees” used in section 4015 of Pub. L. 108–458, set out above, see section 4081 of Pub. L. 108–458, set out as a note under section 44901 of this title.]

#### SCREENER PERSONNEL

Pub. L. 107–71, title I, §111(d), Nov. 19, 2001, 115 Stat. 620, as amended by Pub. L. 112–171, §1(a), Aug. 16, 2012, 126 Stat. 1306; Pub. L. 116–92, div. F, title LXXXVI, §7606, Dec. 20, 2019, 133 Stat. 2309, provided that:

“(1) GENERAL AUTHORITY.—Except as provided in paragraph (2), and notwithstanding any other provision of law, the Under Secretary of Transportation for Security [now Administrator of the Transportation Security Administration] may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Under Secretary determines to be necessary to carry out the screening functions of the Under Secretary under section 44901 of title 49, United States Code. The Under Secretary shall establish levels of compensation and other benefits for individuals so employed.

“(2) EXCEPTIONS.—



“(A) REEMPLOYMENT.—In carrying out the functions authorized under paragraph (1), the Under Secretary shall be subject to the provisions set forth in chapter 43 of title 38, United States Code.

“(B) LEAVE.—The provisions of subchapter V of chapter 63 of title 5, United States Code, shall apply to any individual appointed under paragraph (1) as if such individual were an employee (within the meaning of subparagraph (A) of section 6381(1) of such title).”

[Pub. L. 112-171, §1(b), Aug. 16, 2012, 126 Stat. 1306, provided that: “The amendments made by subsection (a) [amending section 111(d) of Pub. L. 107-71, set out above] shall take effect on the date that is 270 days after the date of the enactment of this Act [Aug. 16, 2012].”]

#### CERTIFICATION OF SCREENING COMPANIES

Pub. L. 104-264, title III, §302, Oct. 9, 1996, 110 Stat. 3250, provided that: “The Administrator of the Federal Aviation Administration is directed to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards for providing security screening services.”

#### STUDIES OF MINIMUM STANDARDS FOR PILOT QUALIFICATIONS AND OF PAY FOR TRAINING

Pub. L. 104-264, title V, §503, Oct. 9, 1996, 110 Stat. 3263, provided that the Administrator of the Federal Aviation Administration would appoint a task force consisting of appropriate representatives of the aviation industry to study the development of standards and criteria for preemployment screening tests measuring the psychomotor coordination, general intellectual capacity, instrument and mechanical comprehension, and physical and mental fitness of applicants for employment as a pilot by an air carrier, the standards and criteria for pilot training facilities to be licensed by the Administrator, and to determine if the practice of some air carriers to require employees or prospective employees to pay for necessary training or experience was in the public interest; and provided that, not later than 1 year after Oct. 9, 1996, the Administrator would send Congress a report on the results of the studies.

#### STUDY OF MINIMUM FLIGHT TIME

Pub. L. 104-264, title V, §504, Oct. 9, 1996, 110 Stat. 3263, required the Administrator of the Federal Aviation Administration to conduct a study to determine the sufficiency of existing minimum flight time requirements for individuals seeking employment as pilots with air carriers and to report to Congress on the study results not later than 1 year after Oct. 9, 1996.

### § 44936. Employment investigations and restrictions

(a) EMPLOYMENT INVESTIGATION REQUIREMENT.—(1)(A) The Administrator shall require by regulation that an employment investigation, including a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Administrator, shall be conducted of each individual employed in, or applying for, a position as a security screener under section 44935(e) or a position in which the individual has unescorted access, or may permit other individuals to have unescorted access, to—

- (i) aircraft of an air carrier or foreign air carrier; or
- (ii) a secured area of an airport in the United States the Administrator designates that serves an air carrier or foreign air carrier.

(B) The Administrator shall require by regulation that an employment investigation (includ-

ing a criminal history record check and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Administrator) be conducted for—

(i) individuals who are responsible for screening passengers or property under section 44901 of this title;

(ii) supervisors of the individuals described in clause (i);

(iii) individuals who regularly have escorted access to aircraft of an air carrier or foreign air carrier or a secured area of an airport in the United States the Administrator designates that serves an air carrier or foreign air carrier; and

(iv) such other individuals who exercise security functions associated with baggage or cargo, as the Administrator determines is necessary to ensure air transportation security.

(C) EXEMPTION.—An employment investigation, including a criminal history record check, shall not be required under this subsection for an individual who is exempted under section 107.31(m)(1) or (2) of title 14, Code of Federal Regulations, as in effect on November 22, 2000. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign countries to ensure that individuals exempted under this subparagraph do not pose a threat to aviation or national security.

(2) An air carrier, foreign air carrier, airport operator, or government that employs, or authorizes or makes a contract for the services of, an individual in a position described in paragraph (1) of this subsection shall ensure that the investigation the Administrator requires is conducted.

(3) The Administrator shall provide for the periodic audit of the effectiveness of criminal history record checks conducted under paragraph (1) of this subsection.

(b) PROHIBITED EMPLOYMENT.—(1) Except as provided in paragraph (3) of this subsection, an air carrier, foreign air carrier, airport operator, or government may not employ, or authorize or make a contract for the services of, an individual in a position described in subsection (a)(1) of this section if—

(A) the investigation of the individual required under this section has not been conducted; or

(B) the results of that investigation establish that, in the 10-year period ending on the date of the investigation, the individual was convicted (or found not guilty by reason of insanity) of—

(i) a crime referred to in section 46306, 46308, 46312, 46314, or 46315 or chapter 465 of this title or section 32 of title 18;

(ii) murder;

(iii) assault with intent to murder;

(iv) espionage;

(v) sedition;

(vi) treason;

(vii) rape;

(viii) kidnapping;

(ix) unlawful possession, sale, distribution, or manufacture of an explosive or weapon;

(x) extortion;

- (xi) armed or felony unarmed robbery;
- (xii) distribution of, or intent to distribute, a controlled substance;
- (xiii) a felony involving a threat;
- (xiv) a felony involving—
  - (I) willful destruction of property;
  - (II) importation or manufacture of a controlled substance;
  - (III) burglary;
  - (IV) theft;
  - (V) dishonesty, fraud, or misrepresentation;
  - (VI) possession or distribution of stolen property;
  - (VII) aggravated assault;
  - (VIII) bribery; and
  - (IX) illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year, or any other crime classified as a felony that the Administrator determines indicates a propensity for placing contraband aboard an aircraft in return for money; or
- (xv) conspiracy to commit any of the acts referred to in clauses (i) through (xiv).

(2) The Administrator may specify other factors that are sufficient to prohibit the employment of an individual in a position described in subsection (a)(1) of this section.

(3) An air carrier, foreign air carrier, airport operator, or government may employ, or authorize or contract for the services of, an individual in a position described in subsection (a)(1) of this section without carrying out the investigation required under this section, if the Administrator approves a plan to employ the individual that provides alternate security arrangements.

(c) FINGERPRINTING AND RECORD CHECK INFORMATION.—(1) If the Administrator requires an identification and criminal history record check, to be conducted by the Attorney General, as part of an investigation under this section, the Administrator shall designate an individual to obtain fingerprints and submit those fingerprints to the Attorney General. The Attorney General may make the results of a check available to an individual the Administrator designates. Before designating an individual to obtain and submit fingerprints or receive results of a check, the Administrator shall consult with the Attorney General. All Federal agencies shall cooperate with the Administrator and the Administrator's designee in the process of collecting and submitting fingerprints.

(2) The Administrator shall prescribe regulations on—

- (A) procedures for taking fingerprints; and
- (B) requirements for using information received from the Attorney General under paragraph (1) of this subsection—
  - (i) to limit the dissemination of the information; and
  - (ii) to ensure that the information is used only to carry out this section.

(3) If an identification and criminal history record check is conducted as part of an investigation of an individual under this section, the individual—

- (A) shall receive a copy of any record received from the Attorney General; and

(B) may complete and correct the information contained in the check before a final employment decision is made based on the check.

(d) FEES AND CHARGES.—The Administrator and the Attorney General shall establish reasonable fees and charges to pay expenses incurred in carrying out this section. The employer of the individual being investigated shall pay the costs of a record check of the individual. Money collected under this section shall be credited to the account in the Treasury from which the expenses were incurred and are available to the Administrator and the Attorney General for those expenses.

(e) WHEN INVESTIGATION OR RECORD CHECK NOT REQUIRED.—This section does not require an investigation or record check when the investigation or record check is prohibited by a law of a foreign country.

(f) DEFINITION OF ADMINISTRATOR.—In this section, the term “Administrator” means the Administrator of the Transportation Security Administration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1218; Pub. L. 104-264, title III, §§304(a), 306, title V, §502(a), Oct. 9, 1996, 110 Stat. 3251, 3252, 3259; Pub. L. 105-102, §2(25), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105-142, §1, Dec. 5, 1997, 111 Stat. 2650; Pub. L. 106-181, title V, §508, Apr. 5, 2000, 114 Stat. 140; Pub. L. 106-528, §2(c), (d), Nov. 22, 2000, 114 Stat. 2517, 2518; Pub. L. 107-71, title I, §§101(f)(7), (9), 111(b), 138(a), (b)(1), 140(a)(1), Nov. 19, 2001, 115 Stat. 603, 620, 639-641; Pub. L. 115-254, div. K, title I, §1991(d)(27), Oct. 5, 2018, 132 Stat. 3638.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44936(a) .....	49 App.1357(g)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §316(g); added Nov. 16, 1990, Pub. L. 101-604, §105(a), 104 Stat. 3071.
	49 App.1357 (note).	Oct. 28, 1991, Pub. L. 102-143, §346, 105 Stat. 949.
44936(b) .....	49 App.1357(g)(3).	
44936(c) .....	49 App.1357(g)(2) (less (A) (2d sentence)).	
44936(d) .....	49 App.1357(g)(2)(A) (2d sentence), (5).	
44936(e) .....	49 App.1357(g)(4).	

In subsection (a), the text of section 346 of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102-143, 105 Stat. 949) is omitted as executed.

In subsection (a)(2), the words “shall ensure” are substituted for “shall take such actions as may be necessary to ensure” to eliminate unnecessary words. The word “conducted” is substituted for “performed” for consistency in the revised title.

In subsection (b)(2), the words “The Administrator may specify” are substituted for “The Administrator may specify . . . the Administrator determines” to eliminate unnecessary words. The words “prohibit the employment of an individual” are substituted for “make an individual ineligible for employment” for clarity.

In subsection (b)(3), the words “may employ” are substituted for “It shall not be a violation of subparagraph (A) for . . . to employ” to eliminate unnecessary words.

In subsection (c)(1), the words “Before designating an individual to obtain and submit fingerprints or receive results of a check, the Administrator shall consult with

the Attorney General” are substituted for “after consultation with the Attorney General” for clarity.

In subsection (c)(2), before clause (A), the words “For purposes of administering this subsection” are omitted as unnecessary. In clause (A), the word “implement” is omitted as unnecessary because of the restatement. In clause (B), before subclause (ii), the word “establish” is omitted as unnecessary because of the restatement. In subclause (ii), the words “to carry out this section” are substituted for “for the purposes of this section” for clarity.

In subsection (e), the words “a law of a foreign country” are substituted for “applicable laws of a foreign government” for clarity and consistency in the revised title and with other titles of the United States Code.

PUB. L. 105-102

This amends 49:44936(f)(1)(C) to reflect the redesignation of 49:30305(b)(7) as 49:30305(b)(8) by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104-324, 110 Stat. 3908).

**Editorial Notes**

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(27)(C), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(d)(27)(A)(i), which directed substitution of “Administrator” for “Under Secretary of Transportation for Security” wherever appearing, was executed by making the substitution for “Under Secretary of Transportation for Security” before “shall require” and for “Under Secretary of Transportation for Transportation Security” after “determined practicable by the” in two places, to reflect the probable intent of Congress.

Subsec. (a)(1)(A). Pub. L. 115-254, §1991(d)(27)(A)(ii)(I), substituted “, shall be conducted” for “, shall be conducted” in introductory provisions.

Subsec. (a)(1)(C), (D). Pub. L. 115-254, §1991(d)(27)(A)(ii)(II), (iii), redesignated subpar. (D) as (C) and struck out former subpar. (C) which related to background checks of current employees.

Subsec. (c)(1). Pub. L. 115-254, §1991(d)(27)(B), substituted “Administrator’s” for “Under Secretary’s”.

Subsec. (f). Pub. L. 115-254, §1991(d)(27)(D), added subsec. (f).

2001—Subsec. (a)(1)(A). Pub. L. 107-71, §138(a)(1), inserted “and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security,” after “record check” in introductory provisions.

Pub. L. 107-71, §111(b)(1), inserted “as a security screener under section 44935(e) or a position” after “a position” in introductory provisions.

Pub. L. 107-71, §101(f)(7), (9), in introductory provisions, substituted “Under Secretary” for “Administrator” and “of Transportation for Security” for “of the Federal Aviation Administration”.

Subsec. (a)(1)(A)(ii). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (a)(1)(B). Pub. L. 107-71, §138(a)(2), in introductory provisions, substituted “and a review of available law enforcement data bases and records of other governmental and international agencies to the extent determined practicable by the Under Secretary of Transportation for Transportation Security” for “in any case described in subparagraph (C)”.

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions.

Subsec. (a)(1)(B)(i). Pub. L. 107-71, §138(a)(3), substituted “are” for “will be”.

Subsec. (a)(1)(B)(ii). Pub. L. 107-71, §138(a)(4), struck out “and” after semicolon.

Subsec. (a)(1)(B)(iii). Pub. L. 107-71, §138(a)(6), added cl. (iii). Former cl. (iii) redesignated (iv).

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (a)(1)(B)(iv). Pub. L. 107-71, §138(a)(5), redesignated cl. (iii) as (iv).

Subsec. (a)(1)(C). Pub. L. 107-71, §138(a)(7), (8), added subpar. (C) and struck out former subpar (C) which related to criminal history record checks.

Subsec. (a)(1)(D). Pub. L. 107-71, §138(a)(7), (9), (10), redesignated subpar. (F) as (D), substituted “107.31(m)(1) or (2)” for “107.31(m)” and “November 22, 2000. The Under Secretary shall work with the International Civil Aviation Organization and with appropriate authorities of foreign countries to ensure that individuals exempted under this subparagraph do not pose a threat to aviation or national security” for “the date of enactment of this subparagraph” and struck out former subpar. (D) which allowed a supervised employee to remain in position until completion of record check.

Subsec. (a)(1)(E). Pub. L. 107-71, §138(a)(7), struck out subpar. (E) which related to criminal history record checks for screeners and others.

Subsec. (a)(1)(E)(iv). Pub. L. 107-71, §111(b)(2), struck out cl. (iv) which related to effective dates for subpar. (E).

Subsec. (a)(1)(F). Pub. L. 107-71, §138(a)(7), redesignated subpar. (F) as (D).

Subsec. (a)(2). Pub. L. 107-71, §§107(f)(7), 138(a)(11), substituted “carrier, airport operator, or government” for “carrier, or airport operator” and “Under Secretary” for “Administrator”.

Subsec. (a)(3). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (b)(1). Pub. L. 107-71, §138(a)(12), substituted “carrier, airport operator, or government” for “carrier, or airport operator” in introductory provisions.

Subsec. (b)(1)(B)(xiv)(IX). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (b)(2). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (b)(3). Pub. L. 107-71, §§101(f)(7), 138(a)(13), substituted “carrier, airport operator, or government” for “carrier, or airport operator” and “Under Secretary” for “Administrator”.

Subsec. (c)(1). Pub. L. 107-71, §138(a)(14), inserted at end “All Federal agencies shall cooperate with the Under Secretary and the Under Secretary’s designee in the process of collecting and submitting fingerprints.”

Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” wherever appearing.

Subsec. (c)(2). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions.

Subsec. (d). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in two places.

Subsecs. (f) to (h). Pub. L. 107-71, §§138(b)(1), 140(a)(1), amended section identically, redesignating subsecs. (f) to (h) as (h) to (j), respectively, of section 44703 of this title.

2000—Subsec. (a)(1)(A). Pub. L. 106-528, §2(c)(1), in introductory provisions, struck out “, as the Administrator decides is necessary to ensure air transportation security,” after “shall be conducted”.

Subsec. (a)(1)(C)(v). Pub. L. 106-181, §508(a), added cl. (v).

Subsec. (a)(1)(D). Pub. L. 106-528, §2(c)(2), substituted “in the position for which the individual applied” for “as a screener”.

Subsec. (a)(1)(E), (F). Pub. L. 106-528, §2(c)(3), added subpars. (E) and (F).

Subsec. (b)(1)(B). Pub. L. 106-528, §2(d)(1), inserted “(or found not guilty by reason of insanity)” after “convicted” in introductory provisions.

Subsec. (b)(1)(B)(xi). Pub. L. 106-528, §2(d)(2), inserted “or felony unarmed” after “armed”.

Subsec. (b)(1)(B)(xiii) to (xv). Pub. L. 106-528, §2(d)(3)–(5), added cls. (xiii) and (xiv), redesignated former cl. (xiii) as (xv), and in cl. (xv) substituted “clauses (i) through (xiv)” for “clauses (i)–(xii) of this paragraph”.

Subsec. (f)(1)(B). Pub. L. 106-181, §508(b)(1), inserted “(except a branch of the United States Armed Forces,

the National Guard, or a reserve component of the United States Armed Forces)” after “other person” in introductory provisions.

Subsec. (f)(1)(B)(i). Pub. L. 106-181, § 508(b)(2), substituted “individual’s performance as a pilot” for “individual” in introductory provisions.

Subsec. (f)(5). Pub. L. 106-181, § 508(b)(3), inserted before period at end of first sentence “; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A)”.

Subsec. (f)(13). Pub. L. 106-181, § 508(b)(4)(A), substituted “shall” for “may” in introductory provisions.

Subsec. (f)(13)(A)(i). Pub. L. 106-181, § 508(b)(4)(B), inserted “and disseminated under paragraph (15)” after “requested under paragraph (1)”.

Subsec. (f)(14)(B). Pub. L. 106-181, § 508(b)(5), inserted “or from a foreign government or entity that employed the individual” after “exists”.

Subsec. (f)(15). Pub. L. 106-181, § 508(b)(6), added par. (15).

1997—Subsec. (f)(1). Pub. L. 105-142, § 1(1), substituted “Subject to paragraph (14), before allowing an individual to begin service” for “Before hiring an individual” in introductory provisions.

Subsec. (f)(1)(B). Pub. L. 105-142, § 1(2), inserted “as a pilot of a civil or public aircraft” before “at any time” in introductory provisions.

Subsec. (f)(1)(C). Pub. L. 105-102 substituted “section 30305(b)(8) of this title” for “section 30305(b)(7)”.

Subsec. (f)(4). Pub. L. 105-142, § 1(3), inserted “and air carriers” after “Administrator” and substituted “paragraphs (1)(A) and (1)(B)” for “paragraph (1)(A)”.

Subsec. (f)(5). Pub. L. 105-142, § 1(4), substituted “this subsection” for “this paragraph”.

Subsec. (f)(10). Pub. L. 105-142, § 1(5), inserted “who is or has been” before “employed” and “, but not later than 30 days after the date” after “reasonable time”.

Subsec. (f)(14). Pub. L. 105-142, § 1(6), added par. (14).

1996—Subsec. (a)(1). Pub. L. 104-264, § 304(a), designated existing provisions as subpar. (A), redesignated former subpars. (A) and (B) of par. (1) as cls. (i) and (ii) of subpar. (A), respectively, and added subpars. (B) to (D).

Subsec. (a)(3). Pub. L. 104-264, § 306, added par. (3).

Subsecs. (f) to (h). Pub. L. 104-264, § 502(a), added subsecs. (f) to (h).

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2000 AMENDMENTS**

Amendment by Pub. L. 106-528 effective 30 days after Nov. 22, 2000, see section 9 of Pub. L. 106-528, set out as a note under section 106 of this title.

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.

**EFFECTIVE DATE OF 1996 AMENDMENT**

Pub. L. 104-264, title III, § 304(b), Oct. 9, 1996, 110 Stat. 3252, provided that: “The amendment made by subsection (a)(3) [amending this section] shall apply to individuals hired to perform functions described in section 44936(a)(1)(B) of title 49, United States Code, after the date of the enactment of this Act [Oct. 9, 1996]; except that the Administrator of the Federal Aviation Administration may, as the Administrator determines to be appropriate, require such employment investigations or criminal history records checks for individuals performing those functions on the date of the enactment of this Act.”

Amendment by section 502(a) of Pub. L. 104-264 applicable to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following Oct. 9, 1996, see section 502(d) of Pub. L. 104-264, set out as a note under section 30305 of this title.

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

**CRIMINAL HISTORY RECORD CHECKS**

Pub. L. 106-528, § 2(a), (b), Nov. 22, 2000, 114 Stat. 2517, provided that:

“(a) EXPANSION OF FAA ELECTRONIC PILOT PROGRAM.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Nov. 22, 2000], the Administrator of the Federal Aviation Administration shall develop, in consultation with the Office of Personnel Management and the Federal Bureau of Investigation, the pilot program for individual criminal history record checks (known as the electronic fingerprint transmission pilot project) into an aviation industry-wide program.

“(2) LIMITATION.—The Administrator shall not require any airport, air carrier, or screening company to participate in the program described in subsection (a) if the airport, air carrier, or screening company determines that it would not be cost effective for it to participate in the program and notifies the Administrator of that determination.

“(b) APPLICATION OF EXPANDED PROGRAM.—

“(1) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act [Nov. 22, 2000], the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of the Administrator’s efforts to utilize the program described in subsection (a).

“(2) NOTIFICATION CONCERNING SUFFICIENCY OF OPERATION.—If the Administrator determines that the program described in subsection (a) is not sufficiently operational 2 years after the date of enactment of this Act to permit its utilization in accordance with subsection (a), the Administrator shall notify the committees referred to in paragraph (1) of that determination.”

**§ 44937. Prohibition on transferring duties and powers**

Except as specifically provided by law, the Administrator of the Transportation Security Administration may not transfer a duty or power under section 44903(a), (b), (c), or (e), 44906, 44912, 44935, 44936, or 44938(b)(3) of this title to another department, agency, or instrumentality of the United States Government.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1219; Pub. L. 103-429, § 6(57), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 107-71, title I, § 101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, § 1991(d)(28), Oct. 5, 2018, 132 Stat. 3639.)

**HISTORICAL AND REVISION NOTES**

PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44937 .....	49 App.:1357(e)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 316(e)(1); added Aug. 5, 1974, Pub. L. 93-366, § 202, 88 Stat. 417.

The word “otherwise” is omitted as surplus. The word “assigned” is omitted as being included in “transfer”. The word “function” is omitted as being included in “duty or power”. The words “department, agency, or instrumentality of the United States Government” are substituted for “Federal department or agency” for clarity and consistency in the revised title and with other titles of the United States Code.

PUB. L. 103-429

This amends 49:44937 to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1219).

### Editorial Notes

#### AMENDMENTS

2018—Pub. L. 115-254 substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

2001—Pub. L. 107-71 substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

1994—Pub. L. 103-429 substituted “44906” for “44906(a)(1) or (b)”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

### § 44938. Reports

(a) TRANSPORTATION SECURITY.—Not later than March 31 of each year, the Secretary of Homeland Security shall submit to Congress a report on transportation security with recommendations the Secretary considers appropriate. The report shall be prepared in conjunction with the biennial report the Administrator of the Transportation Security Administration submits under subsection (b) of this section in each year the Administrator of the Transportation Security Administration submits the biennial report, but may not duplicate the information submitted under subsection (b) or section 44907(a)(3) of this title. The Secretary may submit the report in classified and unclassified parts. The report shall include—

(1) an assessment of trends and developments in terrorist activities, methods, and other threats to transportation;

(2) an evaluation of deployment of explosive detection devices;

(3) recommendations for research, engineering, and development activities related to transportation security, except research engineering and development activities related to aviation security to the extent those activities are covered by the national aviation research plan required under section 44501(c) of this title;

(4) identification and evaluation of cooperative efforts with other departments, agencies, and instrumentalities of the United States Government;

(5) an evaluation of cooperation with foreign transportation and security authorities;

(6) the status of the extent to which the recommendations of the President’s Commission on Aviation Security and Terrorism have been carried out and the reasons for any delay in carrying out those recommendations;

(7) a summary of the activities of the Director of Intelligence and Security in the 12-month period ending on the date of the report;

(8) financial and staffing requirements of the Director;

(9) an assessment of financial and staffing requirements, and attainment of existing

staffing goals, for carrying out duties and powers of the Administrator of the Transportation Security Administration related to security; and

(10) appropriate legislative and regulatory recommendations.

(b) SCREENING AND FOREIGN AIR CARRIER AND AIRPORT SECURITY.—The Administrator of the Transportation Security Administration shall submit biennially to Congress a report—

(1) on the effectiveness of procedures under section 44901 of this title;

(2) that includes a summary of the assessments conducted under section 44907(a)(1) and (2) of this title; and

(3) that includes an assessment of the steps being taken, and the progress being made, in ensuring compliance with section 44906 of this title for each foreign air carrier security program at airports outside the United States—

(A) at which the Administrator of the Transportation Security Administration decides that Foreign Security Liaison Officers are necessary for air transportation security; and

(B) for which extraordinary security measures are in place.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1220; Pub. L. 103-305, title V, § 502, Aug. 23, 1994, 108 Stat. 1595; Pub. L. 105-362, title XV, § 1502(b), Nov. 10, 1998, 112 Stat. 3295; Pub. L. 107-71, title I, § 101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603; Pub. L. 115-254, div. K, title I, § 1991(d)(29), Oct. 5, 2018, 132 Stat. 3639.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44938(a) .....	49 App.:1356(b).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 315(b); added Nov. 16, 1990, Pub. L. 101-604, § 102(a), 104 Stat. 3068.
44938(b)(1), (2).	49 App.:1356(a) (3d sentence 1st-18th words, last sentence).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 315(a) (3d sentence 1st-18th words, last sentence); added Aug. 5, 1974, Pub. L. 93-366, § 202, 88 Stat. 415; Aug. 8, 1985, Pub. L. 99-83, § 551(b)(1), 99 Stat. 225; Nov. 16, 1990, Pub. L. 101-604, § 102(b), 104 Stat. 3069.
44938(b)(3) ..	49 App.:1357(k)(4).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 316(k)(4); added Nov. 16, 1990, Pub. L. 101-604, § 105(a), 104 Stat. 3074.
44938(c) .....	49 App.:1357 (note).	Nov. 16, 1990, Pub. L. 101-604, § 106(d), 104 Stat. 3075.

In subsection (a), before clause (1), the words “each year” are substituted for “of calendar year 1991 and of each calendar year thereafter” to eliminate unnecessary words. In clauses (8) and (9), the word “financial” is substituted for “funding” for clarity and consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), the word “screening” is omitted as surplus.

In subsection (b)(2), the words “a summary of the assessments conducted under section 44907(a)(1) and (2) of this title” are substituted for “the information described in section 1515(c) of this Appendix” for clarity.

In subsection (b)(3), before clause (A), the words “that includes” are substituted for “The Administrator shall submit to Congress as part of the annual report required by section 315(a)” because of the restatement.

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(29)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(d)(29)(A), substituted “Secretary of Homeland Security” for “Secretary of Transportation” and “Administrator of the Transportation Security Administration submits under subsection (b)” for “Under Secretary of Transportation for Security submits under subsection (b)” in introductory provisions.

2001—Subsec. (a). Pub. L. 107-71, §101(f)(7), (9), in introductory provisions, substituted “Under Secretary” for “Administrator” in two places and “of Transportation for Security” for “of the Federal Aviation Administration”.

Subsec. (a)(9). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator”.

Subsec. (b). Pub. L. 107-71, §101(f)(7), substituted “Under Secretary” for “Administrator” in introductory provisions and par. (3)(A).

1998—Subsec. (a). Pub. L. 105-362, §1502(b)(1), in second sentence of introductory provisions, substituted “biennial report” for “annual report” and inserted “in each year the Administrator submits the biennial report” after “subsection (b) of this section”.

Subsec. (b). Pub. L. 105-362, §1502(b)(2), substituted “biennially” for “annually” in introductory provisions.

Subsec. (c). Pub. L. 105-362, §1502(b)(3), struck out heading and text of subsec. (c). Text read as follows: “The Administrator shall submit to Congress an annual report for each of the calendar years 1991 and 1992 on the progress being made, and the problems occurring, in carrying out section 44904 of this title. The report shall include recommendations for improving domestic air transportation security.”

1994—Subsec. (a). Pub. L. 103-305 substituted “March 31” for “December 31”.

**Statutory Notes and Related Subsidiaries**

## TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 8th item on page 132 and the 11th item on page 138 identify reporting provisions which, as subsequently amended, are contained, respectively, in subsecs. (a) and (b)(1), (2) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

**§ 44939. Training to operate certain aircraft**

(a) **WAITING PERIOD.**—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of more than 12,500 pounds to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if—

(1) that person has first notified the Secretary that the alien or individual has requested such training and submitted to the Secretary, in such form as the Secretary may prescribe, the following information about the alien or individual:

(A) full name, including any aliases used by the applicant or variations in spelling of the applicant’s name;

(B) passport and visa information;

(C) country of citizenship;

(D) date of birth;

(E) dates of training; and

(F) fingerprints collected by, or under the supervision of, a Federal, State, or local law enforcement agency or by another entity approved by the Federal Bureau of Investigation or the Secretary of Homeland Security, including fingerprints taken by United States Government personnel at a United States embassy or consulate; and

(2) the Secretary has not directed, within 30 days after being notified under paragraph (1), that person not to provide the requested training because the Secretary has determined that the individual presents a risk to aviation or national security.

(b) **INTERRUPTION OF TRAINING.**—If the Secretary of Homeland Security, more than 30 days after receiving notification under subsection (a) from a person providing training described in subsection (a), determines that the individual presents a risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall immediately terminate the training.

(c) **NOTIFICATION.**—A person operating as a flight instructor, pilot school, or aviation training center or subject to regulation under this part may provide training in the operation of any aircraft having a maximum certificated takeoff weight of 12,500 pounds or less to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) or to any other individual specified by the Secretary of Homeland Security only if that person has notified the Secretary that the individual has requested such training and furnished the Secretary with that individual’s identification in such form as the Secretary may require.

(d) **EXPEDITED PROCESSING.**—The Secretary of Homeland Security shall establish a process to ensure that the waiting period under subsection (a) shall not exceed 5 days for an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) who—

(1) holds an airman’s certification of a foreign country that is recognized by an agency of the United States, including a military agency, that permits an individual to operate a multi-engine aircraft that has a certificated takeoff weight of more than 12,500 pounds;

(2) is employed by a foreign air carrier that is certified under part 129 of title 14, Code of Federal Regulations, and that has a security program approved under section 1546 of title 49, Code of Federal Regulations;

(3) is an individual that has unescorted access to a secured area of an airport designated under section 44936(a)(1)(A)(ii); or

(4) is an individual that is part of a class of individuals that the Secretary has determined that providing aviation training to presents minimal risk to aviation or national security because of the aviation training already possessed by such class of individuals.

(e) **TRAINING.**—In subsection (a), the term “training” means training received from an instructor in an aircraft or aircraft simulator and

does not include recurrent training, ground training, or demonstration flights for marketing purposes.

(f) **NONAPPLICABILITY TO CERTAIN FOREIGN MILITARY PILOTS.**—The procedures and processes required by subsections (a) through (d) shall not apply to a foreign military pilot endorsed by the Department of Defense for flight training in the United States and seeking training described in subsection (e) in the United States.

(g) **FEE.**—

(1) **IN GENERAL.**—The Secretary of Homeland Security may assess a fee for an investigation under this section, which may not exceed \$100 per individual (exclusive of the cost of transmitting fingerprints collected at overseas facilities) during fiscal years 2003 and 2004. For fiscal year 2005 and thereafter, the Secretary may adjust the maximum amount of the fee to reflect the costs of such an investigation.

(2) **OFFSET.**—Notwithstanding section 3302 of title 31, any fee collected under this section—

(A) shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Secretary for those expenses; and

(B) shall remain available until expended.

(h) **INTERAGENCY COOPERATION.**—The Attorney General, the Director of Central Intelligence, and the Administrator of the Federal Aviation Administration shall cooperate with the Secretary in implementing this section.

(i) **SECURITY AWARENESS TRAINING FOR EMPLOYEES.**—The Secretary shall require flight schools to conduct a security awareness program for flight school employees to increase their awareness of suspicious circumstances and activities of individuals enrolling in or attending flight school.

(Added Pub. L. 107–71, title I, §113(a), Nov. 19, 2001, 115 Stat. 622; amended Pub. L. 108–176, title VI, §612(a), Dec. 12, 2003, 117 Stat. 2572; Pub. L. 115–254, div. K, title I, §1991(d)(30), Oct. 5, 2018, 132 Stat. 3639.)

### Editorial Notes

#### AMENDMENTS

2018—Subsec. (d). Pub. L. 115–254 substituted “The Secretary of Homeland Security” for “Not later than 60 days after the date of enactment of this section, the Secretary” in introductory provisions.

2003—Pub. L. 108–176 reenacted section catchline without change and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (d) relating to waiting period for training, interruption of training, covered training, and security awareness training for employees.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–176, title VI, §612(c), Dec. 12, 2003, 117 Stat. 2574, provided that: “The amendment made by subsection (a) [amending this section] takes effect on the effective date of the interim final rule required by subsection (b)(1) [set out below] [rule effective Sept. 20, 2004, see 69 F.R. 56323].”

#### EFFECTIVE DATE

Pub. L. 107–71, title I, §113(d), Nov. 19, 2001, 115 Stat. 622, provided that: “The amendment made by sub-

section (a) [enacting this section] applies to applications for training received after the date of enactment of this Act [Nov. 19, 2001].”

#### IMPLEMENTATION

Pub. L. 108–176, title VI, §612(b), Dec. 12, 2003, 117 Stat. 2574, provided that:

“(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act [Dec. 12, 2003], the Secretary of Homeland Security shall promulgate an interim final rule to implement section 44939 of title 49, United States Code, as amended by subsection (a).

“(2) **USE OF OVERSEAS FACILITIES.**—In order to implement section 44939 of title 49, United States Code, as amended by subsection (a), United States Embassies and Consulates that possess appropriate fingerprint collection equipment and personnel certified to capture fingerprints shall provide fingerprint services to aliens covered by that section if the Secretary requires fingerprints in the administration of that section, and shall transmit the fingerprints to the Secretary or other agency designated by the Secretary. The Attorney General and the Secretary of State shall cooperate with the Secretary of Homeland Security in carrying out this paragraph.

“(3) **USE OF UNITED STATES FACILITIES.**—If the Secretary of Homeland Security requires fingerprinting in the administration of section 44939 of title 49, United States Code, the Secretary may designate locations within the United States that will provide fingerprinting services to individuals covered by that section.”

#### REPORT

Pub. L. 108–176, title VI, §612(d), Dec. 12, 2003, 117 Stat. 2574, provided that, not later than 1 year after Dec. 12, 2003, the Secretary of Homeland Security would submit to Congress a report on the effectiveness of the activities carried out under this section in reducing risks to aviation and national security.

#### INTERNATIONAL COOPERATION

Pub. L. 107–71, title I, §113(c), Nov. 19, 2001, 115 Stat. 622, provided that: “The Secretary of Transportation, in consultation with the Secretary of State, shall work with the International Civil Aviation Organization and the civil aviation authorities of other countries to improve international aviation security through screening programs for flight instruction candidates.”

### § 44940. Security service fee

(a) **GENERAL AUTHORITY.**—

(1) **PASSENGER FEES.**—The Administrator of the Transportation Security Administration shall impose a uniform fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States, to pay for the following costs of providing civil aviation security services:

(A) Salary, benefits, overtime, retirement and other costs of screening personnel, their supervisors and managers, and Federal law enforcement personnel deployed at airport security screening locations under section 44901.

(B) The costs of training personnel described in subparagraph (A), and the acquisition, operation, and maintenance of equipment used by such personnel.

(C) The costs of performing background investigations of personnel described in subparagraphs (A), (D), (F), and (G).

(D) The costs of the Federal air marshals program.

(E) The costs of performing civil aviation security research and development under this title.

(F) The costs of Federal Security Managers under section 44903.

(G) The costs of deploying Federal law enforcement personnel pursuant to section 44903(h).

(H) The costs of security-related capital improvements at airports.

(I) The costs of training pilots and flight attendants under sections 44918 and 44921.

(2) DETERMINATION OF COSTS.—

(A) IN GENERAL.—The amount of the costs under paragraph (1) shall be determined by the Administrator of the Transportation Security Administration and shall not be subject to judicial review.

(B) DEFINITION OF FEDERAL LAW ENFORCEMENT PERSONNEL.—For purposes of paragraph (1)(A), the term “Federal law enforcement personnel” includes State and local law enforcement officers who are deputized under section 44922.

(b) SCHEDULE OF FEES.—In imposing fees under subsection (a), the Administrator of the Transportation Security Administration shall ensure that the fees are reasonably related to the Transportation Security Administration’s costs of providing services rendered.

(c) LIMITATION ON FEE.—

(1) AMOUNT.—Fees imposed under subsection (a)(1) shall be \$5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States, except that the fee imposed per round trip shall not exceed \$11.20.

(2) DEFINITION OF ROUND TRIP.—In this subsection, the term “round trip” means a trip on an air travel itinerary that terminates or has a stopover at the origin point (or co-terminal).

(3) OFFSETTING COLLECTIONS.—Beginning on October 1, 2027, fees collected under subsection (a)(1) for any fiscal year shall be credited as offsetting collections to appropriations made for aviation security measures carried out by the Transportation Security Administration, to remain available until expended.

(d) IMPOSITION OF FEE.—

(1) IN GENERAL.—Notwithstanding section 9701 of title 31 and the procedural requirements of section 553 of title 5, the Administrator of the Transportation Security Administration shall impose the fee under subsection (a)(1) through the publication of notice of such fee in the Federal Register and begin collection of the fee as soon as possible.

(2) SPECIAL RULES PASSENGER FEES.—A fee imposed under subsection (a)(1) through the procedures under paragraph (1) of this subsection shall apply only to tickets sold after the date on which such fee is imposed. If a fee imposed under subsection (a)(1) through the procedures under paragraph (1) of this subsection on transportation of a passenger of a carrier described in subsection (a)(1) is not collected from the passenger, the amount of the fee shall be paid by the carrier.

(3) SUBSEQUENT MODIFICATION OF FEE.—After imposing a fee in accordance with paragraph

(1), the Administrator of the Transportation Security Administration may modify, from time to time through publication of notice in the Federal Register, the imposition or collection of such fee, or both.

(4) LIMITATION ON COLLECTION.—No fee may be collected under this section, other than subsection (i), except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act or in section 44923.

(e) ADMINISTRATION OF FEES.—

(1) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this section are payable to the Administrator of the Transportation Security Administration.

(2) FEES COLLECTED BY AIR CARRIER.—A fee imposed under subsection (a)(1) shall be collected by the air carrier or foreign air carrier that sells a ticket for transportation described in subsection (a)(1).

(3) DUE DATE FOR REMITTANCE.—A fee collected under this section shall be remitted on the last day of each calendar month by the carrier collecting the fee. The amount to be remitted shall be for the calendar month preceding the calendar month in which the remittance is made.

(4) INFORMATION.—The Administrator of the Transportation Security Administration may require the provision of such information as the Administrator of the Transportation Security Administration decides is necessary to verify that fees have been collected and remitted at the proper times and in the proper amounts.

(5) FEE NOT SUBJECT TO TAX.—For purposes of section 4261 of the Internal Revenue Code of 1986 (26 U.S.C. 4261), a fee imposed under this section shall not be considered to be part of the amount paid for taxable transportation.

(6) COST OF COLLECTING FEE.—No portion of the fee collected under this section may be retained by the air carrier or foreign air carrier for the costs of collecting, handling, or remitting the fee except for interest accruing to the carrier after collection and before remittance.

(f) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any fee collected under this section—

(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

(3) shall remain available until expended.

(g) REFUNDS.—The Administrator of the Transportation Security Administration may refund any fee paid by mistake or any amount paid in excess of that required.

(h) EXEMPTIONS.—The Administrator of the Transportation Security Administration may exempt from the passenger fee imposed under subsection (a)(1) any passenger enplaning at an airport in the United States that does not receive screening services under section 44901 for that segment of the trip for which the passenger does not receive screening.



## (i) DEPOSIT OF RECEIPTS IN GENERAL FUND.—

(1) IN GENERAL.—Beginning in fiscal year 2014, out of fees received in a fiscal year under subsection (a)(1), after amounts are made available in the fiscal year under section 44923(h), the next funds derived from such fees in the fiscal year, in the amount specified for the fiscal year in paragraph (4), shall be credited as offsetting receipts and deposited in the general fund of the Treasury.

(2) FEE LEVELS.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect in a fiscal year at least the amount specified in paragraph (4) for the fiscal year for making deposits under paragraph (1).

(3) RELATIONSHIP TO OTHER PROVISIONS.—Subsections (b) and (f) shall not apply to amounts to be used for making deposits under this subsection.

(4) FISCAL YEAR AMOUNTS.—For purposes of paragraphs (1) and (2), the fiscal year amounts are as follows:

- (A) \$1,320,000,000 for fiscal year 2018.
- (B) \$1,360,000,000 for fiscal year 2019.
- (C) \$1,400,000,000 for fiscal year 2020.
- (D) \$1,440,000,000 for fiscal year 2021.
- (E) \$1,480,000,000 for fiscal year 2022.
- (F) \$1,520,000,000 for fiscal year 2023.
- (G) \$1,560,000,000 for fiscal year 2024.
- (H) \$1,600,000,000 for fiscal year 2025.
- (M)<sup>1</sup> \$1,640,000,000 for fiscal year 2026.
- (N)<sup>1</sup> \$1,680,000,000 for fiscal year 2027.

(Added Pub. L. 107–71, title I, §118(a), Nov. 19, 2001, 115 Stat. 625; amended Pub. L. 108–7, div. I, title III, §351(b), Feb. 20, 2003, 117 Stat. 420; Pub. L. 108–176, title VI, §605(b)(1), (2), Dec. 12, 2003, 117 Stat. 2568; Pub. L. 110–53, title XVI, §1601, Aug. 3, 2007, 121 Stat. 477; Pub. L. 110–161, div. E, title V, §540, Dec. 26, 2007, 121 Stat. 2079; Pub. L. 113–67, div. A, title VI, §601(a)(1), (2), (b), (c), Dec. 26, 2013, 127 Stat. 1187; Pub. L. 113–294, §1(a), Dec. 19, 2014, 128 Stat. 4009; Pub. L. 114–41, title III, §3001, July 31, 2015, 129 Stat. 460; Pub. L. 115–123, div. C, title II, §30202, Feb. 9, 2018, 132 Stat. 126; Pub. L. 115–254, div. K, title I, §§1940, 1991(d)(31), Oct. 5, 2018, 132 Stat. 3582, 3639.)

**Editorial Notes****CODIFICATION**

Pub. L. 107–71, title I, §118(a), Nov. 19, 2001, 115 Stat. 625, which directed the addition of section 44940 at end of subchapter II of chapter 449 without specifying the Code title to be amended, was executed by adding this section at the end of this subchapter, to reflect the probable intent of Congress.

**AMENDMENTS**

2018—Subsec. (a)(1). Pub. L. 115–254, §1991(d)(31)(A)(i)(II), struck out concluding provisions which read as follows: “The amount of such costs shall be determined by the Under Secretary and shall not be subject to judicial review. For purposes of subparagraph (A), the term ‘Federal law enforcement personnel’ includes State and local law enforcement officers who are deputized under section 44922.”

Pub. L. 115–254, §1991(d)(31)(A)(i)(I), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security” in introductory provisions.

Subsec. (a)(2). Pub. L. 115–254, §1991(d)(31)(A)(ii), added par. (2).

Subsec. (b). Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (c)(3). Pub. L. 115–254, §1940, added par. (3).

Subsec. (d)(1). Pub. L. 115–254, §1991(d)(31)(C)(i), struck out “within 60 days of the date of enactment of this Act, or” after “of the fee” and “thereafter” before period at end.

Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (d)(2). Pub. L. 115–254, §1991(d)(31)(C)(ii), substituted “paragraph (1) of this subsection” for “subsection (d)” in two places.

Subsec. (d)(3). Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (e)(1). Pub. L. 115–254, §1991(d)(31)(D), substituted “Fees payable to Administrator” for “Fees payable to Under Secretary” in heading.

Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (e)(4). Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” in two places.

Subsecs. (g), (h). Pub. L. 115–254, §1991(d)(31)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary”.

Subsec. (i)(4)(A) to (L). Pub. L. 115–254, §1991(d)(31)(E), redesignated subpars. (E) to (L) as (A) to (H), respectively, and struck out former subpars. (A) to (D) which read as follows:

“(A) \$390,000,000 for fiscal year 2014.

“(B) \$1,190,000,000 for fiscal year 2015.

“(C) \$1,250,000,000 for fiscal year 2016.

“(D) \$1,280,000,000 for fiscal year 2017.”

Subsec. (i)(4)(M), (N). Pub. L. 115–123 added subpars. (M) and (N).

2015—Subsec. (i)(4)(K), (L). Pub. L. 114–41 added subpars. (K) and (L).

2014—Subsec. (c). Pub. L. 113–294 amended subsec. (c) generally. Prior to amendment, text read as follows: “Fees imposed under subsection (a)(1) shall be \$5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States.”

2013—Subsec. (a)(2). Pub. L. 113–67, §601(a)(1), struck out par. (2) which related to fees on air carriers and foreign air carriers engaged in air transportation and intrastate air transportation.

Subsec. (c). Pub. L. 113–67, §601(b), amended subsec. (c) generally. Prior to amendment, text read as follows: “Fees imposed under subsection (a)(1) may not exceed \$2.50 per enplanement in air transportation or intrastate air transportation that originates at an airport in the United States, except that the total amount of such fees may not exceed \$5.00 per one-way trip.”

Subsec. (d)(1). Pub. L. 113–67, §601(a)(2), struck out “, and may impose a fee under subsection (a)(2),” after “under subsection (a)(1)”.

Subsec. (i). Pub. L. 113–67, §601(c), amended subsec. (i) generally. Prior to amendment, subsec. (i) related to the Checkpoint Screening Security Fund.

2007—Subsec. (a)(2)(A), (B)(iv). Pub. L. 110–161, which directed amendment of subsec. (a)(2) “by striking the period in the last sentence of subparagraph (A) and the clause (iv) of subparagraph B and adding the following, ‘except for estimates and additional collections made pursuant to the appropriation for Aviation Security in Public Law 108–334: *Provided*, That such judicial review shall be pursuant to section 46110 of title 49, United States Code: *Provided further*, That such judicial review shall be limited only to additional amounts collected by the Secretary before October 1, 2007.’”, was executed by substituting the quoted language directed to be added for the period at the end of last sentence of sub-

<sup>1</sup> So in original.

par. (A) and for the period at the end of cl. (iv) of subpar. (B), to reflect the probable intent of Congress.

Subsec. (d)(4). Pub. L. 110-53, §1601(1), inserted “, other than subsection (i),” before “except to”.

Subsec. (i). Pub. L. 110-53, §1601(2), added subsec. (i). 2003—Subsec. (a)(1). Pub. L. 108-7 inserted at end of concluding provisions “For purposes of subparagraph (A), the term ‘Federal law enforcement personnel’ includes State and local law enforcement officers who are deputized under section 44922.”

Subsec. (a)(1)(H), (I). Pub. L. 108-176, §605(b)(1), added subpars. (H) and (I).

Subsec. (d)(4). Pub. L. 108-176, §605(b)(2), substituted “appropriations Act or in section 44923” for “appropriations Act”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-294, §1(b), Dec. 19, 2014, 128 Stat. 4009, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to a trip in air transportation or intrastate air transportation that is purchased on or after the date of the enactment of this Act [Dec. 19, 2014].”

##### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-67, div. A, title VI, §601(a)(3), Dec. 26, 2013, 127 Stat. 1187, provided that: “The repeal made by paragraph (1) [amending this section] and the amendment made by paragraph (2) [amending this section] shall each take effect on October 1, 2014.”

##### 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.

##### 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.

##### IMPOSITION OF FEE INCREASE

Pub. L. 113-67, div. A, title VI, §601(d), Dec. 26, 2013, 127 Stat. 1188, provided that: “The Secretary of Homeland Security shall implement the fee increase authorized by the amendment made by subsection (b) [amending this section]—

“(1) beginning on July 1, 2014; and

“(2) through the publication of notice of such fee in the Federal Register, notwithstanding section 9701 of title 31, United States Code, and the procedural requirements of section 553 of title 5, United States Code.”

##### CONTINUED AVAILABILITY OF EXISTING BALANCES

Pub. L. 113-67, div. A, title VI, §601(e), Dec. 26, 2013, 127 Stat. 1188, provided that: “The amendments made by this section [amending this section] shall not affect the availability of funds made available under section 44940(i) of title 49, United States Code, before the date of enactment of this Act [Dec. 26, 2013].”

#### § 44941. Immunity for reporting suspicious activities

(a) IN GENERAL.—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of

title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Homeland Security, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) APPLICATION.—Subsection (a) shall not apply to—

(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

(Added Pub. L. 107-71, title I, §125(a), Nov. 19, 2001, 115 Stat. 631; amended Pub. L. 115-254, div. K, title I, §1991(d)(32), Oct. 5, 2018, 132 Stat. 3640.)

#### Editorial Notes

##### AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254 inserted “the Department of Homeland Security,” after “Department of Transportation.”

#### § 44942. Performance goals and objectives

(a) SHORT TERM TRANSITION.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and Congress—

(A) establish acceptable levels of performance for aviation security, including screening operations and access control; and

(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Transportation Security Administration, the Federal Aviation Administration, and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

(1) PERFORMANCE PLAN.—

(A) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

(B) In addition to meeting the requirements of GPRA, the performance plan should clarify the responsibilities of the Secretary of Homeland Security, the Administrator of the Transportation Security Administration, and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(2) PERFORMANCE REPORT.—Each year, consistent with the requirements of GPRA, the Administrator of the Transportation Security Administration shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

(Added Pub. L. 107-71, title I, § 130, Nov. 19, 2001, 115 Stat. 633; amended Pub. L. 115-254, div. K, title I, § 1991(d)(33), Oct. 5, 2018, 132 Stat. 3640.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (b), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

##### AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-254, § 1991(d)(33)(A)(i)(I), in introductory provisions, substituted “The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and” for “Within 180 days after the date of enactment of the Aviation and Transportation Security Act, the Under Secretary for Transportation Security may, in consultation with”.

Subsec. (a)(1)(A). Pub. L. 115-254, § 1991(d)(33)(A)(i)(II), substituted “; and” for “, and”.

Subsec. (a)(2). Pub. L. 115-254, § 1991(d)(33)(A)(ii), inserted comma after “Federal Aviation Administration”.

Subsec. (b). Pub. L. 115-254, § 1991(d)(33)(B)(i), (ii), struck out par. (1) designation and heading “Performance plan and report” and redesignated subpars. (A) and (B) of former par. (1) as pars. (1) and (2), respectively.

Subsec. (b)(1). Pub. L. 115-254, § 1991(d)(33)(B)(iii)(I), redesignated cls. (i) and (ii) of former par. (1)(A) as subpars. (A) and (B), respectively, of par. (1).

Subsec. (b)(1)(A). Pub. L. 115-254, § 1991(d)(33)(B)(iii)(II), substituted “the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree” for “the Secretary and the Under Secretary for Transportation Security shall agree”.

Subsec. (b)(1)(B). Pub. L. 115-254, § 1991(d)(33)(B)(iii)(III), substituted “the Secretary of Homeland Security, the Administrator of the Transportation Security Administration,” for “the Secretary, the Under Secretary for Transportation Security”.

Subsec. (b)(2). Pub. L. 115-254, § 1991(d)(33)(B)(iv), substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Transportation Security”.

#### § 44943. Performance management system

(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Administrator of the Transportation Security Administration shall establish a performance management system which strengthens the organization’s effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(1) IN GENERAL.—Each year, the Secretary of Homeland Security and Administrator of the Transportation Security Administration shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Administrator of the Transportation Security Administration.

(2) GOALS.—Each year, the Administrator of the Transportation Security Administration and each senior manager who reports to the Administrator shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Administrator shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), the Administrator of the Transportation Security Administration shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

(Added Pub. L. 107-71, title I, § 130, Nov. 19, 2001, 115 Stat. 634; amended Pub. L. 115-254, div. K, title I, § 1991(d)(34), Oct. 5, 2018, 132 Stat. 3640.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Aviation and Transportation Security Act, referred to in subsec. (c), is Pub. L. 107-71, Nov. 19, 2001, 115 Stat. 597. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 40101 of this title and Tables.

##### AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, § 1991(d)(34)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Transportation Security”.

Subsec. (b)(1). Pub. L. 115-254, § 1991(d)(34)(B)(i), substituted “Secretary of Homeland Security and Administrator of the Transportation Security Administration” for “Secretary and Under Secretary of Transportation for Security” and “for the Administrator of the Transportation Security Administration” for “for the Under Secretary”.

Subsec. (b)(2). Pub. L. 115-254, § 1991(d)(34)(B)(ii), substituted “Administrator of the Transportation Security Administration and” for “Under Secretary and” and, in two places, substituted “Administrator shall” for “Under Secretary shall”.

Subsec. (c). Pub. L. 115-254, § 1991(d)(34)(C), substituted “Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), the Administrator of the Transportation Security Administration” for “Aviation Security Act, the Under Secretary for Transportation Security”.

#### § 44944. Voluntary provision of emergency services

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Administrator of the Transportation Security Administration shall

carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) **REQUIREMENTS.**—The Administrator of the Transportation Security Administration shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Administrator of the Transportation Security Administration considers appropriate.

(3) **CONFIDENTIALITY OF REGISTRY.**—If as part of the program under paragraph (1) the Administrator of the Transportation Security Administration requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Administrator of the Transportation Security Administration shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) **CONSULTATION.**—The Administrator of the Transportation Security Administration shall consult with the Administrator of the Federal Aviation Administration, appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) **EXEMPTION FROM LIABILITY.**—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an in-flight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Administrator of the Transportation Security Administration shall prescribe for purposes of this section.

(c) **EXCEPTION.**—The exemption under subsection (b) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.

(Added Pub. L. 107-71, title I, §131(a), Nov. 19, 2001, 115 Stat. 635; amended Pub. L. 115-254, div. K, title I, §1991(d)(35), Oct. 5, 2018, 132 Stat. 3641.)

### Editorial Notes

#### AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(35)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a)(1). Pub. L. 115-254, §1991(d)(35)(A)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Transportation Security”.

Subsec. (a)(4). Pub. L. 115-254, §1991(d)(35)(A)(ii), inserted “the Administrator of the Federal Aviation Administration,” after “consult with”.

### Statutory Notes and Related Subsidiaries

#### CONSTRUCTION

Pub. L. 107-71, title I, §131(c), Nov. 19, 2001, 115 Stat. 635, provided that: “Nothing in this section [enacting this section] may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.”

[For definitions of “aircraft” and “air transportation” used in section 131(c) of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.]

### § 44945. Disposition of unclaimed money and clothing

(a) **DISPOSITION OF UNCLAIMED MONEY.**—Notwithstanding section 3302 of title 31, unclaimed money recovered at any airport security checkpoint shall be retained by the Transportation Security Administration and shall remain available until expended for the purpose of providing civil aviation security as required in this chapter.

(b) **DISPOSITION OF UNCLAIMED CLOTHING.**—

(1) **IN GENERAL.**—In disposing of unclaimed clothing recovered at any airport security checkpoint, the Administrator of the Transportation Security Administration shall make every reasonable effort, in consultation with the Secretary of Veterans Affairs, to transfer the clothing to the local airport authority or other local authorities for donation to charity, including local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and veteran families.

(2) **AGREEMENTS.**—In implementing paragraph (1), the Administrator of the Transportation Security Administration may enter into agreements with airport authorities.

(3) **OTHER CHARITABLE ARRANGEMENTS.**—Nothing in this subsection shall prevent an airport or the Transportation Security Administration from donating unclaimed clothing to a charitable organization of their choosing.

(4) **LIMITATION.**—Nothing in this subsection shall create a cost to the Government.

(Added Pub. L. 108-334, title V, §515(a), Oct. 18, 2004, 118 Stat. 1317; amended Pub. L. 112-271, §2(a), Jan. 14, 2013, 126 Stat. 2446; Pub. L. 115-254, div. K, title I, §1991(d)(36), Oct. 5, 2018, 132 Stat. 3641.)

### Editorial Notes

#### AMENDMENTS

2018—Subsec. (b)(1), (2). Pub. L. 115-254 substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary”.

2013—Pub. L. 112-271 inserted “and clothing” after “money” in section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

### Statutory Notes and Related Subsidiaries

#### ANNUAL REPORT

Pub. L. 108-334, title V, §515(b), Oct. 18, 2004, 118 Stat. 1318, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 18, 2004] and annu-

ally thereafter, the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Appropriations of the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Appropriations of the Senate, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, and specifically how the unclaimed money is being used to provide civil aviation security."

#### § 44946. Aviation Security Advisory Committee

(a) ESTABLISHMENT.—The Administrator shall establish within the Transportation Security Administration an aviation security advisory committee.

(b) DUTIES.—

(1) IN GENERAL.—The Administrator shall consult the Advisory Committee, as appropriate, on aviation security matters, including on the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Administrator, recommendations for improvements to aviation security.

(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by the subcommittees established under this section shall be approved by the Advisory Committee before transmission to the Administrator.

(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Administrator—

(A) reports on matters identified by the Administrator; and

(B) reports on other matters identified by a majority of the members of the Advisory Committee.

(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Administrator an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its subcommittees, for the preceding year. Not later than 6 months after the date that the Administrator receives the annual report, the Administrator shall publish a public version describing the Advisory Committee's activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5.

(5) FEEDBACK.—Not later than 90 days after receiving recommendations transmitted by the Advisory Committee under paragraph (2) or (4), the Administrator shall respond in writing to the Advisory Committee with feedback on each of the recommendations, an action plan to implement any of the recommendations with which the Administrator concurs, and a justification for why any of the recommendations have been rejected.

(6) CONGRESSIONAL NOTIFICATION.—Not later than 30 days after providing written feedback

to the Advisory Committee under paragraph (5), the Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives on such feedback, and provide a briefing upon request.

(7) REPORT TO CONGRESS.—Prior to briefing the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives under paragraph (6), the Administrator shall submit to such committees a report containing information relating to the recommendations transmitted by the Advisory Committee in accordance with paragraph (4).

(c) MEMBERSHIP.—

(1) APPOINTMENT.—

(A) IN GENERAL.—The Administrator shall appoint the members of the Advisory Committee.

(B) COMPOSITION.—The membership of the Advisory Committee shall consist of individuals representing not more than 34 member organizations. Each organization shall be represented by 1 individual (or the individual's designee).

(C) REPRESENTATION.—The membership of the Advisory Committee shall include representatives of air carriers, all-cargo air transportation, indirect air carriers, labor organizations representing air carrier employees, labor organizations representing transportation security officers, aircraft manufacturers, airport operators, airport construction and maintenance contractors, labor organizations representing employees of airport construction and maintenance contractors, general aviation, privacy organizations, the travel industry, airport-based businesses (including minority-owned small businesses), businesses that conduct security screening operations at airports, aeronautical repair stations, passenger advocacy groups, the aviation security technology industry (including screening technology and biometrics), victims of terrorist acts against aviation, and law enforcement and security experts.

(2) TERM OF OFFICE.—

(A) TERMS.—The term of each member of the Advisory Committee shall be two years, but a member may continue to serve until a successor is appointed. A member of the Advisory Committee may be reappointed.

(B) REMOVAL.—The Administrator may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

(4) MEETINGS.—

(A) IN GENERAL.—The Administrator shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

(B) PUBLIC MEETINGS.—At least 1 of the meetings described in subparagraph (A) shall be open to the public.

(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

(5) MEMBER ACCESS TO SENSITIVE SECURITY INFORMATION.—Not later than 60 days after the date of a member's appointment, the Administrator shall determine if there is cause for the member to be restricted from possessing sensitive security information. Without such cause, and upon the member voluntarily signing a non-disclosure agreement, the member may be granted access to sensitive security information that is relevant to the member's advisory duties. The member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

(6) CHAIRPERSON.—A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

(d) SUBCOMMITTEES.—

(1) MEMBERSHIP.—The Advisory Committee chairperson, in coordination with the Administrator, may establish within the Advisory Committee any subcommittee that the Administrator and Advisory Committee determine to be necessary. The Administrator and the Advisory Committee shall create subcommittees to address aviation security issues, including the following:

(A) AIR CARGO SECURITY.—The implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

(B) GENERAL AVIATION.—General aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

(C) PERIMETER AND ACCESS CONTROL.—Recommendations on airport perimeter security, exit lane security and technology at commercial service airports, and access control issues.

(D) SECURITY TECHNOLOGY.—Security technology standards and requirements, including their harmonization internationally, technology to screen passengers, passenger baggage, carry-on baggage, and cargo, and biometric technology.

(2) RISK-BASED SECURITY.—All subcommittees established by the Advisory Committee chairperson in coordination with the Administrator shall consider risk-based security approaches in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, including for passenger screening, baggage screening, air cargo security policies, and general aviation security matters.

(3) MEETINGS AND REPORTING.—Each subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclu-

sion in the annual report required under subsection (b)(4) information, including recommendations, regarding issues within the subcommittee.

(4) SUBCOMMITTEE CHAIRS.—Each subcommittee shall be co-chaired by a Government official and an industry official.

(e) SUBJECT MATTER EXPERTS.—Each subcommittee under this section shall include subject matter experts with relevant expertise who are appointed by the respective subcommittee chairpersons.

(f) NONAPPLICABILITY OF CHAPTER 10 OF TITLE 5.—Chapter 10 of title 5 shall not apply to the Advisory Committee and its subcommittees.

(g) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Transportation Security Administration.

(2) ADVISORY COMMITTEE.—The term “Advisory Committee” means the aviation security advisory committee established under subsection (a).

(3) PERIMETER SECURITY.—

(A) IN GENERAL.—The term “perimeter security” means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal.

(B) INCLUSIONS.—The term “perimeter security” includes the fence area surrounding an airport, access gates, and access controls.

(Added Pub. L. 113-238, §2(a), Dec. 18, 2014, 128 Stat. 2842; amended Pub. L. 114-190, title III, §3411, July 15, 2016, 130 Stat. 662; Pub. L. 115-254, div. K, title I, §1991(d)(37), Oct. 5, 2018, 132 Stat. 3641; Pub. L. 117-286, §4(a)(317), Dec. 27, 2022, 136 Stat. 4340.)

## Editorial Notes

### AMENDMENTS

2022—Subsec. (f). Pub. L. 117-286 substituted “Chapter 10 of Title 5” for “FACA” in heading and “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.)” in text.

2018—Pub. L. 115-254, §1991(d)(37)(B), substituted “Administrator” for “Assistant Secretary” wherever appearing.

Subsec. (b)(4). Pub. L. 115-254, §1991(d)(37)(C), substituted “the Administrator receives” for “the Secretary receives” and “the Administrator shall” for “the Secretary shall”.

Subsec. (c)(1)(A). Pub. L. 115-254, §1991(d)(37)(D), substituted “The” for “Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the”.

Subsec. (g). Pub. L. 115-254, §1991(d)(37)(A), added par. (1), redesignated former par. (1) as (2), and struck out former par. (2) which defined “Assistant Secretary”.

2016—Subsec. (b)(5). Pub. L. 114-190, §3411(b), substituted “paragraph (2) or (4)” for “paragraph (4)”.

Subsec. (c)(2)(A). Pub. L. 114-190, §3411(a), amended subpar. (A) generally. Prior to amendment, text read as follows: “The term of each member of the Advisory Committee shall be 2 years. A member of the Advisory Committee may be reappointed.”

### § 44947. Air cargo security division

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall establish an air cargo security division to carry out

and engage with stakeholders regarding the implementation of air cargo security programs established by the Administration.

(b) LEADERSHIP; STAFFING.—The air cargo security division established pursuant to subsection (a) shall be headed by an individual in the executive service within the TSA and be staffed by not fewer than 4 full-time equivalents, including the head of the division.

(c) STAFFING.—The Administrator of the Transportation Security Administration shall staff the air cargo security division with existing TSA personnel.

(Added Pub. L. 115–254, div. K, title I, §1943(a), Oct. 5, 2018, 132 Stat. 3584.)

**Editorial Notes**

REFERENCES IN TEXT

The date of enactment of the TSA Modernization Act, referred to in subsec. (a), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

**§ 44948. National Deployment Office**

(a) ESTABLISHMENT.—There is established within the Transportation Security Administration a National Deployment Office, to be headed by an individual with supervisory experience. Such individual shall be designated by the Administrator of the Transportation Security Administration.

(b) DUTIES.—The individual designated as the head of the National Deployment Office shall be responsible for the following:

(1) Maintaining a National Deployment Force within the Transportation Security Administration, including transportation security officers, supervisory transportation security officers and lead transportation security officers, to provide the Administration with rapid and efficient response capabilities and augment the Department of Homeland Security’s homeland security operations to mitigate and reduce risk, including for the following:

(A) Airports temporarily requiring additional security personnel due to an emergency, seasonal demands, hiring shortfalls, severe weather conditions, passenger volume mitigation, equipment support, or other reasons.

(B) Special events requiring enhanced security including National Special Security Events, as determined by the Secretary of Homeland Security.

(C) Response in the aftermath of any man-made disaster, including any terrorist attack.

(D) Other such situations, as determined by the Administrator.

(2) Educating transportation security officers regarding how to participate in the Administration’s National Deployment Force.

(3) Recruiting officers to serve on the National Deployment Force, in accordance with a staffing model to be developed by the Administrator.

(4) Approving 1-year appointments for officers to serve on the National Deployment

Force, with an option to extend upon officer request and with the approval of the appropriate Federal Security Director.

(5) Training officers to serve on the National Deployment Force.

(Added Pub. L. 115–254, div. K, title I, §1988(a), Oct. 5, 2018, 132 Stat. 3622.)

**Statutory Notes and Related Subsidiaries**

CAREER DEVELOPMENT

Pub. L. 115–254, div. K, title I, §1988(d), Oct. 5, 2018, 132 Stat. 3623, provided that: “The Administrator [of the Transportation Security Administration] may consider service in the National Deployment Force as a positive factor when evaluating applicants for promotion opportunities within the TSA [Transportation Security Administration].”

**CHAPTER 451—ALCOHOL AND CONTROLLED SUBSTANCES TESTING**

Sec.

- 45101. Definition.
- 45102. Alcohol and controlled substances testing programs.
- 45103. Prohibited service.
- 45104. Testing and laboratory requirements.
- 45105. Rehabilitation.
- 45106. Relationship to other laws, regulations, standards, and orders.
- 45107. Transportation Security Administration.

**Editorial Notes**

AMENDMENTS

2001—Pub. L. 107–71, title I, §139(5), Nov. 19, 2001, 115 Stat. 641, added item 45107.

**§ 45101. Definition**

In this chapter, “controlled substance” means any substance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Administrator of the Federal Aviation Administration.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1221.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
45101 .....	49 App.:1434(f).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §614(f); added Oct. 28, 1991, Pub. L. 102–143, §3(a), 105 Stat. 956.

**§ 45102. Alcohol and controlled substances testing programs**

(a) PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion,