

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

PUB. L. 104-287, §5(68)(A)

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

PUB. L. 104-287, §5(68)(B)

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

Editorial Notes

AMENDMENTS

2024—Subsec. (g)(1). Pub. L. 118-63 substituted “detection and reporting of potential severe forms of trafficking in persons and sex trafficking (as such terms are defined in paragraphs (11) and (12))” for “detection and reporting of potential human trafficking (as described in paragraphs (9) and (10))”.

2019—Subsec. (g). Pub. L. 115-425 added subsec. (g).

2018—Subsec. (f)(1). Pub. L. 115-232, §836(g)(9)(A), substituted “commercial products” for “commercial items”.

Subsec. (f)(2). Pub. L. 115-232, §836(g)(9)(B), substituted “commercial product” for “commercial item”.

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

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

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

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

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

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

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

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 115-425, title I, §111(b), Jan. 8, 2019, 132 Stat. 5475, provided that: “The amendment made by subsection (a) [amending this section] shall apply to any contract entered into after the date of enactment of this Act [Jan. 8, 2019] except for contracts entered into by the Secretary of Defense.”

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Jan. 1, 2020, subject to a savings provision, see section 836(h) of Pub. L. 115-232, set out as an Effective Date of 2018 Amendment; Savings Provision note under section 453b of Title 6, Domestic Security.

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 8752 of Title 10, Armed Forces.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

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

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

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

EFFECTIVE DATE OF 1994 AMENDMENT

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

§ 40119. Sensitive security information

(a) DISCLOSURE.—

(1) REGULATIONS PROHIBITING DISCLOSURE.—Notwithstanding the establishment of a Department of Homeland Security, the Secretary of Transportation, in accordance with section 552(b)(3)(B) of title 5, shall prescribe regulations prohibiting disclosure of information obtained or developed in ensuring security under this title if the Secretary of Transportation decides disclosing the information would—

(A) be an unwarranted invasion of personal privacy;

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

(C) be detrimental to transportation safety.

(2) DISCLOSURE TO CONGRESS.—Paragraph (1) shall not be construed to authorize information to be withheld from a committee of Congress authorized to have such information.

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

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

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

(C) restrain competition; or

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

(4) LAW ENFORCEMENT DISCLOSURE.—Section 552a of title 5 shall not apply to disclosures that the Administrator may make from the systems of records of the Federal Aviation 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.

(b) TRANSFERS OF DUTIES AND POWERS PROHIBITED.—Except as otherwise provided by law, a duty or power under this section may not be transferred to another department, agency, or instrumentality of the Federal Government.

(Added Pub. L. 118–63, title II, §223(a), May 16, 2024, 138 Stat. 1060.)

Editorial Notes

PRIOR PROVISIONS

A prior section 40119, Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1117; Pub. L. 107–71, title I, §101(e), Nov. 19, 2001, 115 Stat. 603; Pub. L. 107–296, title XVI, §1601(a), Nov. 25, 2002, 116 Stat. 2312; Pub. L. 111–83, title V, §561(c)(2), Oct. 28, 2009, 123 Stat. 2182; Pub. L. 112–95, title VIII, §801, Feb. 14, 2012, 126 Stat. 118, related to research and development activities to protect passengers and property against acts of criminal violence, aircraft piracy, and terrorism and to ensure security and regulations prohibiting disclosure of information obtained or developed in ensuring security under this title, prior to repeal by Pub. L. 115–254, div. K, title I, §1991(c)(3), Oct. 5, 2018, 132 Stat. 3627.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 118–63, title II, §223(b), May 16, 2024, 138 Stat. 1061, provided that: “The amendments made by this section [enacting this section] shall be effective as of October 5, 2018, and all authority restored to the Secretary [of Transportation] and the FAA [Federal Aviation Administration] under this section shall be treated as if such authority had never been repealed by the FAA Reauthorization Act of 2018 (Public Law 115–254) [see Prior Provisions note above].”

§ 40120. Relationship to other laws

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

(b) EXTENDING APPLICATION OUTSIDE UNITED STATES.—The President may extend (in the way and for periods the President considers necessary) the application of this part to outside the United States when—

- (1) an international arrangement gives the United States Government authority to make the extension; and
- (2) the President decides the extension is in the national interest.

(c) ADDITIONAL REMEDIES.—A remedy under this part is in addition to any other remedies provided by law.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1117.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40120(a)	49 App.:1509(a).	Aug. 23, 1958, Pub. L. 85–726, §§1106, 1109(a), 1110, 72 Stat. 798, 799, 800.
40120(b)	49 App.:1510.	
40120(c)	49 App.:1506.	

In subsection (a), the words “International Navigational Rules Act of 1977 (33 U.S.C. 1601 et seq.)” are substituted for “sections 143 to 147d of title 33” because those sections were repealed by section 3 of the Act of September 24, 1963 (Public Law 88–131, 77 Stat. 194), and replaced by 33:ch. 21. Chapter 21 was repealed by section 10 of the International Navigational Rules Act of 1977 (Public Law 95–75, 91 Stat. 311) and replaced by 33:1601–1608. The words “including any definition of ‘vessel’ or ‘vehicle’ found therein” and “be construed to” are omitted as surplus.

In subsection (b), before clause (1), the words “to the extent”, “of time”, and “any areas of land or water” are omitted as surplus. The words “and the overlying airspace thereof” are omitted as being included in “outside the United States”. In clause (1), the words “treaty, agreement or other lawful” and “necessary legal” are omitted as surplus.

Subsection (c) is substituted for 49 App.:1506 to eliminate unnecessary words and for clarity and consistency in the revised title and with other titles of the United States Code.

Editorial Notes

REFERENCES IN TEXT

The International Navigational Rules Act of 1977, referred to in subsec. (a), is Pub. L. 95–75, July 27, 1977, 91 Stat. 308, which is classified principally to chapter 30 (§1601 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 33 and Tables.

Executive Documents

EX. ORD. NO. 10854. EXTENSION OF APPLICATION

Ex. Ord. No. 10854, Nov. 27, 1959, 24 F.R. 9565, as amended by Ex. Ord. No. 11382, Nov. 28, 1967, 32 F.R. 16247, provided:

The application of the Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C.A. §1301 et seq. [see 49 U.S.C. 40101 et seq.]), to the extent necessary to permit the Secretary of Transportation to accomplish the purposes and objectives of Titles III [former 49 U.S.C. 1341 et seq., see Disposition Table at beginning of this title] and XII [see 49 U.S.C. 40103(b)(3), 46307] thereof, is hereby extended to those areas of land or water outside the United States and the overlying airspace thereof over or in which the Federal Government of the United States, under international treaty, agreement or other lawful arrangement, has appropriate jurisdiction or control: *Provided*, That the Secretary of Transportation, prior to taking any action under the authority hereby conferred, shall first consult with the Secretary of State on matters affecting foreign relations, and with the Secretary of Defense on matters affecting national-defense interests, and shall not take any action which the Secretary of State determines to be in conflict with any international treaty or agreement to which the United States is a party, or to be inconsistent with the successful conduct of the foreign relations of the United States, or which the Secretary of Defense determines to be inconsistent with the requirements of national defense.

§ 40121. Air traffic control modernization reviews

(a) REQUIRED TERMINATIONS OF ACQUISITIONS.—The Administrator of the Federal Aviation Ad-