

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 “Deputation” 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.

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 exam-

ination 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 Committees¹ 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));² 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))² 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

(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.

¹ So in original. Probably should be “committees”.

² See References in Text note below.

(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 Trans-

portation 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 Home-

land 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 Com-

merce, 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, including 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) [probably should be 47102(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 regarding 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 sub-

section (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 Ad-

ministrator 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 representatives 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 employment 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 Adminis-

trator 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 operator 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 appropriated 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, which related to developing computer-assisted passenger profiling programs and other appropriate passenger profiling programs, was repealed by Pub. L. 118-63, title II, §218(g), May 16, 2024, 138 Stat. 1056.

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 es-

tablishing 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”.