

bility for the operation and safety of the flight or any other flight deck crew member.

(Added Pub. L. 107–296, title XIV, §1402(a), Nov. 25, 2002, 116 Stat. 2300; amended Pub. L. 108–176, title VI, §609(b), Dec. 12, 2003, 117 Stat. 2570; Pub. L. 115–254, div. K, title I, §1963(a)–(h), Oct. 5, 2018, 132 Stat. 3601–3603.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 40119 of this title, referred to in subsec. (b)(5), was repealed by Pub. L. 115–254, div. K, title I, §1991(c)(3), Oct. 5, 2018, 132 Stat. 3627.

The date of enactment of the TSA Modernization Act, referred to in subsec. (c)(2)(D), is the date of enactment of title I of div. K of Pub. L. 115–254, which was approved Oct. 5, 2018.

##### AMENDMENTS

2018—Pub. L. 115–254, §1963(h)(7), substituted “Administrator” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1963(h)(1), substituted “Administrator” for “Under Secretary of Transportation for Security”.

Subsec. (b)(1). Pub. L. 115–254, §1963(h)(2)(A), substituted “The Administrator” for “Not later than 3 months after the date of enactment of this section, the Under Secretary”.

Subsec. (b)(2). Pub. L. 115–254, §1963(h)(2)(B), substituted “The Administrator shall train and deputize” for “Beginning 3 months after the date of enactment of this section, the Under Secretary shall begin the process of training and deputizing”.

Subsec. (b)(3)(N). Pub. L. 115–254, §1963(h)(2)(C), substituted “Administrator’s” for “Under Secretary’s”.

Subsec. (c)(2)(C)(ii). Pub. L. 115–254, §1963(a), designated existing provisions as subcl. (I), inserted heading, struck out “approved by the Under Secretary” after “facility”, and added subcl. (II).

Subsec. (c)(2)(C)(iii). Pub. L. 115–254, §1963(b)(1), designated existing provisions as subcl. (I), inserted heading, substituted “The Administrator shall” for “The Under Secretary shall” and “the Administrator” for “the Under Secretary”, and added subcl. (II).

Subsec. (c)(2)(C)(iv). Pub. L. 115–254, §1963(b)(2), added cl. (iv).

Subsec. (c)(2)(D). Pub. L. 115–254, §1963(c), added subpar. (D).

Subsec. (d)(2). Pub. L. 115–254, §1963(f), designated existing provisions as subpar. (A), inserted heading, redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (A), substituted “Administrator’s” for “Under Secretary’s” in subpar. (A)(ii), and added subpar. (B).

Subsec. (d)(4). Pub. L. 115–254, §1963(h)(3), substituted “may” for “may,” and “Administrator’s” for “Under Secretary’s”.

Subsec. (d)(5). Pub. L. 115–254, §1963(g), added par. (5).

Subsec. (e). Pub. L. 115–254, §1963(d), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (f)(1), (3). Pub. L. 115–254, §1963(e)(1), substituted “Administrator” for “Under Secretary”.

Subsec. (f)(4). Pub. L. 115–254, §1963(e)(2), added par. (4).

Subsec. (i)(2). Pub. L. 115–254, §1963(h)(4), substituted “may” for “the Under Secretary may”.

Subsec. (k). Pub. L. 115–254, §1963(h)(5), struck out par. (1) designation and heading before “This section” and struck out pars. (2) and (3) which defined “pilot” and defined “air transportation” to include all-cargo air transportation.

Subsec. (l). Pub. L. 115–254, §1963(h)(6), added subsec. (l).

2003—Subsec. (a). Pub. L. 108–176, §609(b)(1), struck out “passenger” before “air transportation” in two places.

Subsec. (k)(2). Pub. L. 108–176, §609(b)(2), substituted “or any other flight deck crew member” for “or, if more than 1 pilot is required for the operation of the aircraft or by the regulations under which the flight is being conducted, the individual designated as second in command”.

Subsec. (k)(3). Pub. L. 108–176, §609(b)(3), added par. (3).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2003 AMENDMENT

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

##### EFFECTIVE DATE

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

##### REGULATIONS

Pub. L. 115–254, div. K, title I, §1963(i), Oct. 5, 2018, 132 Stat. 3604, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018]—

“(1) the Secretary of Transportation shall revise section 15.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals; and

“(2) the Administrator [of the Transportation Security Administration] shall revise section 1520.5(b)(11) of title 49, Code of Federal Regulations, to classify information about pilots deputized as Federal flight deck officers under section 44921 of title 49, United States Code, as sensitive security information in a manner consistent with the classification of information about Federal air marshals.”

Pub. L. 115–254, div. K, title I, §1963(j), Oct. 5, 2018, 132 Stat. 3604, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 5, 2018], the Administrator [of the Transportation Security Administration] shall prescribe such regulations as may be necessary to carry out this section [amending this section and enacting provisions set out as a note under this section] and the amendments made by this section.”

##### EQUITABLE IMPLEMENTATION OF 2003 AMENDMENTS

Pub. L. 108–176, title VI, §609(c), Dec. 12, 2003, 117 Stat. 2570, provided that: “In carrying out the amendments made by subsection (d) [probably means subsec. (b), which amended this section], the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall ensure that passenger and cargo pilots are treated equitably in receiving access to training as Federal flight deck officers.”

##### TIME FOR IMPLEMENTATION

Pub. L. 108–176, title VI, §609(d), Dec. 12, 2003, 117 Stat. 2570, provided that: “The requirements of subsection (e) [section 609 of Pub. L. 108–176 has no subsec. (e)] shall have no effect on the deadlines for implementation contained in section 44921 of title 49, United States Code, as in effect on the day before the date of enactment of this Act [Dec. 12, 2003].”

#### § 44922. Deputization of State and local law enforcement officers

(a) DEPUTIZATION AUTHORITY.—The Administrator of the Transportation Security Administration may deputize a State or local law enforcement officer to carry out Federal airport security duties under this chapter.

(b) FULFILLMENT OF REQUIREMENTS.—A State or local law enforcement officer who is depu-

tized under this section shall be treated as a Federal law enforcement officer for purposes of meeting the requirements of this chapter and other provisions of law to provide Federal law enforcement officers to carry out Federal airport security duties.

(c) AGREEMENTS.—To deputize a State or local law enforcement officer under this section, the Administrator of the Transportation Security Administration shall enter into a voluntary agreement with the appropriate State or local law enforcement agency that employs the State or local law enforcement officer.

(d) REIMBURSEMENT.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall reimburse a State or local law enforcement agency for all reasonable, allowable, and allocable costs incurred by the State or local law enforcement agency with respect to a law enforcement officer deputized under this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(e) FEDERAL TORT CLAIMS ACT.—A State or local law enforcement officer who is deputized under this section shall be treated as an “employee of the Government” for purposes of sections 1346(b), 2401(b), and chapter 171 of title 28, United States Code, while carrying out Federal airport security duties within the course and scope of the officer’s employment, subject to Federal supervision and control, and in accordance with the terms of such deputization.

(f) STATIONING OF OFFICERS.—The Administrator of the Transportation Security Administration may allow law enforcement personnel to be stationed other than at the airport security screening location if that would be preferable for law enforcement purposes and if such personnel would still be able to provide prompt responsiveness to problems occurring at the screening location.

(Added Pub. L. 108–7, div. I, title III, §351(a), Feb. 20, 2003, 117 Stat. 419; amended Pub. L. 115–254, div. K, title I, §1991(d)(18), Oct. 5, 2018, 132 Stat. 3636.)

#### AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(18)(D), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Pub. L. 115–254, §1991(d)(18)(A), substituted “Deputization” for “Deputation” in section catchline.

Subsec. (a). Pub. L. 115–254, §1991(d)(18)(B), in heading, substituted “Deputization” for “Deputation” and, in text, substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Security”.

Subsec. (e). Pub. L. 115–254, §1991(d)(18)(C), substituted “deputization” for “deputation”.

#### § 44923. Airport security improvement projects

(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Administrator of the Transportation Security Administration shall make grants to airport sponsors—

(1) for projects to replace baggage conveyer systems related to aviation security;

(2) for projects to reconfigure terminal baggage areas as needed to install explosive detection systems;

(3) for projects to enable the Administrator of the Transportation Security Administration to deploy explosive detection systems behind the ticket counter, in the baggage sorting area, or in line with the baggage handling system; and

(4) for other airport security capital improvement projects.

(b) APPLICATIONS.—A sponsor seeking a grant under this section shall submit to the Administrator of the Transportation Security Administration an application in such form and containing such information as the Administrator of the Transportation Security Administration prescribes.

(c) APPROVAL.—The Administrator of the Transportation Security Administration, after consultation with the Secretary of Transportation, may approve an application of a sponsor for a grant under this section only if the Administrator of the Transportation Security Administration determines that the project will improve security at an airport or improve the efficiency of the airport without lessening security.

(d) LETTERS OF INTENT.—

(1) ISSUANCE.—The Administrator of the Transportation Security Administration shall issue a letter of intent to a sponsor committing to obligate from future budget authority an amount, not more than the Federal Government’s share of the project’s cost, for an airport security improvement project (including interest costs and costs of formulating the project).

(2) SCHEDULE.—A letter of intent under this subsection shall establish a schedule under which the Administrator of the Transportation Security Administration will reimburse the sponsor for the Government’s share of the project’s costs, as amounts become available, if the sponsor, after the Administrator of the Transportation Security Administration issues the letter, carries out the project without receiving amounts under this section.

(3) NOTICE TO ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION.—A sponsor that has been issued a letter of intent under this subsection shall notify the Administrator of the Transportation Security Administration of the sponsor’s intent to carry out a project before the project begins.

(4) NOTICE TO CONGRESS.—The Administrator of the Transportation Security Administration shall transmit to the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives and the Committees on Appropriations and Commerce, Science<sup>1</sup> and Transportation of the Senate a written notification at least 3 days before the issuance of a letter of intent under this section.

(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

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