

(6) **STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued.

(e) **FEDERAL SHARE.**—The Government's share of the cost of a project under this section shall be 90 percent for a project at a medium or large hub airport and 95 percent for a project at any other airport.

(f) **SPONSOR DEFINED.**—In this section, the term “sponsor” has the meaning given that term in section 47102.

(g) **APPLICABILITY OF CERTAIN REQUIREMENTS.**—The requirements that apply to grants and letters of intent issued under chapter 471 (other than section 47102(3)) shall apply to grants and letters of intent issued under this section.

(h) **AVIATION SECURITY CAPITAL FUND.**—

(1) **IN GENERAL.**—There is established within the Department of Homeland Security a fund to be known as the Aviation Security Capital Fund. The first \$250,000,000 derived from fees received under section 44940(a)(1) in each of fiscal years 2004 through 2028 shall be available to be deposited in the Fund. The Administrator of the Transportation Security Administration shall impose the fee authorized by section 44940(a)(1) so as to collect at least \$250,000,000 in each of such fiscal years for deposit into the Fund. Amounts in the Fund shall be available to the Administrator of the Transportation Security Administration to make grants under this section.

(2) **ALLOCATION.**—Of the amount made available under paragraph (1) for a fiscal year, not less than \$200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).

(3) **DISCRETIONARY GRANTS.**—Of the amount made available under paragraph (1) for a fiscal year, up to \$50,000,000 shall be used to make discretionary grants, including other transaction agreements for airport security improvement projects, with priority given to small hub airports and nonhub airports.

(i) **LEVERAGED FUNDING.**—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.

(Added Pub. L. 108–176, title VI, §605(a), Dec. 12, 2003, 117 Stat. 2566; amended Pub. L. 108–458, title IV, §4019(e)(1), Dec. 17, 2004, 118 Stat. 3722; Pub. L. 110–53, title XVI, §§1603(a), 1604(a), Aug. 3, 2007, 121 Stat. 480; Pub. L. 115–254, div. K, title I, §1991(d)(19), Oct. 5, 2018, 132 Stat. 3636.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–254, §1991(d)(19)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115–254, §1991(d)(19)(A), in introductory provisions, substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Border and Transportation Security of the Department of Homeland Security”.

Subsec. (e). Pub. L. 115–254, §1991(d)(19)(C), struck out par. (1) designation and heading before “The Government’s share” and struck out par. (2). Prior to amendment, text of par. (2) read as follows: “The Under Secretary shall revise letters of intent issued before the date of enactment of this section to reflect the cost share established in this subsection with respect to grants made after September 30, 2003.”

Subsec. (j). Pub. L. 115–254, §1991(d)(19)(D), struck out subsec. (j) which authorized appropriations for fiscal years 2005 to 2011.

2007—Subsec. (a). Pub. L. 110–53, §1604(a)(1), substituted “shall make” for “may make” in introductory provisions.

Subsec. (d)(1). Pub. L. 110–53, §1604(a)(2), substituted “shall issue” for “may issue”.

Subsec. (h)(1). Pub. L. 110–53, §1604(a)(3), substituted “2028” for “2007”.

Subsec. (h)(2), (3). Pub. L. 110–53, §1604(a)(4), added pars. (2) and (3) and struck out former pars. (2) and (3) which related to allocation of \$125,000,000 of amount available per fiscal year for large, medium, and small hub airports, nonhub airports, and on the basis of aviation security risks, and allocation of \$125,000,000 of amount available per fiscal year for discretionary grants, with priority given to fulfilling letters of intent issued under subsec. (d).

Subsec. (i). Pub. L. 110–53, §1604(a)(6), added subsec. (i). Former subsec. (i) redesignated (j).

Subsec. (i)(1). Pub. L. 110–53, §1603(a), substituted “2007, and \$450,000,000 for each of fiscal years 2008 through 2011” for “2007.”

Subsec. (j). Pub. L. 110–53, §1604(a)(5), redesignated subsec. (i) as (j).

2004—Subsec. (i)(1). Pub. L. 108–458 substituted “\$400,000,000 for each of fiscal years 2005, 2006, and 2007” for “\$250,000,000 for each of fiscal years 2004 through 2007”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

PRIORITIZATION OF PROJECTS

Pub. L. 110–53, title XVI, §1604(b), Aug. 3, 2007, 121 Stat. 480, required the Administrator of the Transportation Security Administration to establish a prioritization schedule for airport security improvement projects described in this section based on risk and other relevant factors, to be funded under this section, and to provide to Congress, not later than 180 days after Aug. 3, 2007, a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under this section.

PERIOD OF REIMBURSEMENT

Pub. L. 108–458, title IV, §4019(e)(2), Dec. 17, 2004, 118 Stat. 3722, provided that: “Notwithstanding any other provision of law, the Secretary [of Homeland Security] may provide that the period of reimbursement under any letter of intent may extend for a period not to exceed 10 years after the date that the Secretary issues such letter, subject to the availability of appropriations. This paragraph applies to letters of intent issued under section 44923 of title 49, United States Code, and letters of intent issued under section 367 of the Department of Transportation and Related Agencies Appropriation Act, 2003 [Pub. L. 108–7, div. I] (49 U.S.C. 47110 note).”

§ 44924. Repair station security

(a) **SECURITY REVIEW AND AUDIT.**—To ensure the security of maintenance and repair work

conducted on air carrier aircraft and components at foreign repair stations, the Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall complete a security review and audit of foreign repair stations that are certified by the Administrator of the Federal Aviation Administration under part 145 of title 14, Code of Federal Regulations, and that work on air carrier aircraft and components. The review shall be completed not later than 6 months after the date on which the Administrator of the Transportation Security Administration issues regulations under subsection (f).

(b) ADDRESSING SECURITY CONCERNS.—The Administrator of the Transportation Security Administration shall require a foreign repair station to address the security issues and vulnerabilities identified in a security audit conducted under subsection (a) within 90 days of providing notice to the repair station of the security issues and vulnerabilities so identified and shall notify the Administrator of the Federal Aviation Administration that a deficiency was identified in the security audit.

(c) SUSPENSIONS AND REVOCATIONS OF CERTIFICATES.—

(1) FAILURE TO CARRY OUT EFFECTIVE SECURITY MEASURES.—If, after the 90th day on which a notice is provided to a foreign repair station under subsection (b), the Administrator of the Transportation Security Administration determines that the foreign repair station does not maintain and carry out effective security measures, the Administrator of the Transportation Security Administration shall notify the Administrator of the Federal Aviation Administration of the determination. Upon receipt of the determination, the Administrator of the Federal Aviation Administration shall suspend the certification of the repair station until such time as the Administrator of the Transportation Security Administration determines that the repair station maintains and carries out effective security measures and transmits the determination to the Administrator of the Federal Aviation Administration.

(2) IMMEDIATE SECURITY RISK.—If the Administrator of the Transportation Security Administration determines that a foreign repair station poses an immediate security risk, the Administrator of the Transportation Security Administration shall notify the Administrator of the Federal Aviation Administration of the determination. Upon receipt of the determination, the Administrator of the Federal Aviation Administration shall revoke the certification of the repair station.

(3) PROCEDURES FOR APPEALS.—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall establish procedures for appealing a revocation of a certificate under this subsection.

(d) FAILURE TO MEET AUDIT DEADLINE.—If the security audits required by subsection (a) are not completed on or before the date that is 6 months after the date on which the Administrator of the Transportation Security Adminis-

tration issues regulations under subsection (f), the Administrator of the Federal Aviation Administration shall be barred from certifying any foreign repair station (other than a station that was previously certified, or is in the process of certification, by the Administration under this part) until such audits are completed for existing stations.

(e) PRIORITY FOR AUDITS.—In conducting the audits described in subsection (a), the Administrator of the Transportation Security Administration and the Administrator of the Federal Aviation Administration shall give priority to foreign repair stations located in countries identified by the Government as posing the most significant security risks.

(f) REGULATIONS.—The Administrator of the Transportation Security Administration, in consultation with the Administrator of the Federal Aviation Administration, shall issue final regulations to ensure the security of foreign and domestic aircraft repair stations.

(g) REPORT TO CONGRESS.—If the Administrator of the Transportation Security Administration does not issue final regulations before the deadline specified in subsection (f), the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation as to why the deadline was not met and a schedule for issuing the final regulations.

(Added Pub. L. 108-176, title VI, §611(b)(1), Dec. 12, 2003, 117 Stat. 2571; amended Pub. L. 110-53, title XVI, §1616(b), Aug. 3, 2007, 121 Stat. 488; Pub. L. 115-254, div. K, title I, §1991(d)(20), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(20)(D), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a). Pub. L. 115-254, §1991(d)(20)(A), substituted “Administrator of the Transportation Security Administration,” for “Under Secretary for Border and Transportation Security of the Department of Homeland Security,” and “Administrator of the Federal Aviation Administration under” for “Administrator under”.

Subsec. (b). Pub. L. 115-254, §1991(d)(20)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

Subsec. (c). Pub. L. 115-254, §1991(d)(20)(B), which directed substitution of “Administrator of the Federal Aviation Administration” for “Administrator”, was executed by making the substitution wherever appearing, to reflect the probable intent of Congress.

Subsecs. (d), (e). Pub. L. 115-254, §1991(d)(20)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

Subsec. (f). Pub. L. 115-254, §1991(d)(20)(C), substituted “The” for “Not later than 240 days after the date of enactment of this section, the”.

Pub. L. 115-254, §1991(d)(20)(B), substituted “Administrator of the Federal Aviation Administration” for “Administrator”.

2007—Subsec. (a). Pub. L. 110-53, §1616(b)(1), substituted “6 months” for “18 months”.

Subsec. (d). Pub. L. 110-53, §1616(b)(2), inserted “(other than a station that was previously certified, or

is in the process of certification, by the Administration under this part)” after “foreign repair station”.

Pub. L. 110-53, §1616(b)(1), which directed amendment of subsec. (b) by substituting “6 months” for “18 months”, was executed by making the substitution in subsec. (d), to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

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

SUSPENSION OF CERTIFICATION OF FOREIGN REPAIR STATIONS

Pub. L. 110-53, title XVI, §1616(a), Aug. 3, 2007, 121 Stat. 488, provided that: “If the regulations required by section 44924(f) of title 49, United States Code, are not issued within 1 year after the date of enactment of this Act [Aug. 3, 2007], the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such date unless the station was previously certified, or is in the process of certification by the Administration under that part.”

§ 44925. Deployment and use of detection equipment at airport screening checkpoints

(a) WEAPONS AND EXPLOSIVES.—The Secretary of Homeland Security shall give a high priority to developing, testing, improving, and deploying, at airport screening checkpoints, equipment that detects nonmetallic, chemical, biological, and radiological weapons, and explosives, in all forms, on individuals and in their personal property. The Secretary shall ensure that the equipment alone, or as part of an integrated system, can detect under realistic operating conditions the types of weapons and explosives that terrorists would likely try to smuggle aboard an air carrier aircraft.

(b) STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.—

(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall submit to the appropriate congressional committees a strategic plan to promote the optimal utilization and deployment of explosive detection equipment at airports to screen individuals and their personal property. Such equipment includes walk-through explosive detection portals, document scanners, shoe scanners, and backscatter x-ray scanners. The plan may be submitted in a classified format.

(2) CONTENT.—The strategic plan shall include, at minimum—

(A) a description of current efforts to detect explosives in all forms on individuals and in their personal property;

(B) a description of the operational applications of explosive detection equipment at airport screening checkpoints;

(C) a deployment schedule and a description of the quantities of equipment needed to implement the plan;

(D) a description of funding needs to implement the plan, including a financing plan that provides for leveraging of non-Federal funding;

(E) a description of the measures taken and anticipated to be taken in carrying out subsection (d); and

(F) a description of any recommended legislative actions.

(c) PORTAL DETECTION SYSTEMS.—There is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$250,000,000, in addition to any amounts otherwise authorized by law, for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

(d) INTERIM ACTION.—Until measures are implemented that enable the screening of all passengers for explosives, the Administrator of the Transportation Security Administration shall provide, by such means as the Administrator of the Transportation Security Administration considers appropriate, explosives detection screening for all passengers identified for additional screening and their personal property that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation.

(Added Pub. L. 108-458, title IV, §4013(a), Dec. 17, 2004, 118 Stat. 3719; amended Pub. L. 110-53, title XVI, §1607(b), Aug. 3, 2007, 121 Stat. 483; Pub. L. 115-254, div. K, title I, §1991(d)(21), Oct. 5, 2018, 132 Stat. 3637.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-254, §1991(d)(21)(A), substituted “The Administrator of the Transportation Security Administration” for “Not later than 90 days after the date of enactment of this section, the Assistant Secretary of Homeland Security (Transportation Security Administration)”.

Subsec. (b)(3). Pub. L. 115-254, §1991(d)(21)(B), struck out par. (3). Text read as follows: “The Secretary shall begin implementation of the strategic plan within one year after the date of enactment of this paragraph.”

Subsec. (d). Pub. L. 115-254, §1991(d)(21)(C), substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary” in two places.

2007—Subsec. (b)(3). Pub. L. 110-53 added par. (3).

Statutory Notes and Related Subsidiaries

MOVEMENT AND REDEPLOYMENT OF MOBILE EXPLOSIVES DETECTION SYSTEMS

Pub. L. 114-113, div. F, title II, Dec. 18, 2015, 129 Stat. 2499, provided in part: “That notwithstanding any other provision of law, for the current fiscal year and each fiscal year hereafter, mobile explosives detection systems purchased and deployed using funds made available under this heading [Transportation Security Administration, Aviation Security] may be moved and redeployed to meet evolving passenger and baggage screening security priorities at airports”.

ISSUANCE OF STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS

Pub. L. 110-53, title XVI, §1607(a), Aug. 3, 2007, 121 Stat. 483, provided that, not later than 30 days after Aug. 3, 2007, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, was to issue the stra-