

## IMPOSITION OF FEE INCREASE

Pub. L. 113-67, div. A, title VI, §601(d), Dec. 26, 2013, 127 Stat. 1188, provided that: “The Secretary of Homeland Security shall implement the fee increase authorized by the amendment made by subsection (b) [amending this section]—

“(1) beginning on July 1, 2014; and

“(2) through the publication of notice of such fee in the Federal Register, notwithstanding section 9701 of title 31, United States Code, and the procedural requirements of section 553 of title 5, United States Code.”

## CONTINUED AVAILABILITY OF EXISTING BALANCES

Pub. L. 113-67, div. A, title VI, §601(e), Dec. 26, 2013, 127 Stat. 1188, provided that: “The amendments made by this section [amending this section] shall not affect the availability of funds made available under section 44940(i) of title 49, United States Code, before the date of enactment of this Act [Dec. 26, 2013].”

**§ 44941. Immunity for reporting suspicious activities**

(a) **IN GENERAL.**—Any air carrier or foreign air carrier or any employee of an air carrier or foreign air carrier who makes a voluntary disclosure of any suspicious transaction relevant to a possible violation of law or regulation, relating to air piracy, a threat to aircraft or passenger safety, or terrorism, as defined by section 3077 of title 18, United States Code, to any employee or agent of the Department of Transportation, the Department of Homeland Security, the Department of Justice, any Federal, State, or local law enforcement officer, or any airport or airline security officer shall not be civilly liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) **APPLICATION.**—Subsection (a) shall not apply to—

(1) any disclosure made with actual knowledge that the disclosure was false, inaccurate, or misleading; or

(2) any disclosure made with reckless disregard as to the truth or falsity of that disclosure.

(Added Pub. L. 107-71, title I, §125(a), Nov. 19, 2001, 115 Stat. 631; amended Pub. L. 115-254, div. K, title I, §1991(d)(32), Oct. 5, 2018, 132 Stat. 3640.)

**Editorial Notes**

## AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254 inserted “the Department of Homeland Security,” after “Department of Transportation.”

**§ 44942. Performance goals and objectives**

(a) **SHORT TERM TRANSITION.**—

(1) **IN GENERAL.**—The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and Congress—

(A) establish acceptable levels of performance for aviation security, including screening operations and access control; and

(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

(2) **BASICS OF ACTION PLAN.**—The action plan shall clarify the responsibilities of the Transportation Security Administration, the Federal Aviation Administration, and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(b) **LONG-TERM RESULTS-BASED MANAGEMENT.**—

(1) **PERFORMANCE PLAN.**—

(A) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

(B) In addition to meeting the requirements of GPRA, the performance plan should clarify the responsibilities of the Secretary of Homeland Security, the Administrator of the Transportation Security Administration, and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(2) **PERFORMANCE REPORT.**—Each year, consistent with the requirements of GPRA, the Administrator of the Transportation Security Administration shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

(Added Pub. L. 107-71, title I, §130, Nov. 19, 2001, 115 Stat. 633; amended Pub. L. 115-254, div. K, title I, §1991(d)(33), Oct. 5, 2018, 132 Stat. 3640.)

**Editorial Notes**

## REFERENCES IN TEXT

The Government Performance and Results Act of 1993, referred to in subsec. (b), is Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

## AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-254, §1991(d)(33)(A)(i)(I), in introductory provisions, substituted “The Administrator of the Transportation Security Administration may, in consultation with other relevant Federal agencies and” for “Within 180 days after the date of enactment of the Aviation and Transportation Security Act, the Under Secretary for Transportation Security may, in consultation with”.

Subsec. (a)(1)(A). Pub. L. 115-254, §1991(d)(33)(A)(i)(II), substituted “; and” for “, and”.

Subsec. (a)(2). Pub. L. 115-254, §1991(d)(33)(A)(ii), inserted comma after “Federal Aviation Administration”.

Subsec. (b). Pub. L. 115-254, §1991(d)(33)(B)(i), (ii), struck out par. (1) designation and heading “Perform-

ance plan and report” and redesignated subpars. (A) and (B) of former par. (1) as pars. (1) and (2), respectively.

Subsec. (b)(1). Pub. L. 115-254, §1991(d)(33)(B)(iii)(I), redesignated cls. (i) and (ii) of former par. (1)(A) as subpars. (A) and (B), respectively, of par. (1).

Subsec. (b)(1)(A). Pub. L. 115-254, §1991(d)(33)(B)(iii)(II), substituted “the Secretary of Homeland Security and the Administrator of the Transportation Security Administration shall agree” for “the Secretary and the Under Secretary for Transportation Security shall agree”.

Subsec. (b)(1)(B). Pub. L. 115-254, §1991(d)(33)(B)(iii)(III), substituted “the Secretary of Homeland Security, the Administrator of the Transportation Security Administration,” for “the Secretary, the Under Secretary for Transportation Security”.

Subsec. (b)(2). Pub. L. 115-254, §1991(d)(33)(B)(iv), substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Transportation Security”.

#### § 44943. Performance management system

(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Administrator of the Transportation Security Administration shall establish a performance management system which strengthens the organization’s effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(1) IN GENERAL.—Each year, the Secretary of Homeland Security and Administrator of the Transportation Security Administration shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Administrator of the Transportation Security Administration.

(2) GOALS.—Each year, the Administrator of the Transportation Security Administration and each senior manager who reports to the Administrator shall enter into an annual performance agreement that sets forth organizational and individual goals for those managers. All other employees hired under the authority of the Administrator shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), the Administrator of the Transportation Security Administration shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

(Added Pub. L. 107-71, title I, §130, Nov. 19, 2001, 115 Stat. 634; amended Pub. L. 115-254, div. K, title I, §1991(d)(34), Oct. 5, 2018, 132 Stat. 3640.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Aviation and Transportation Security Act, referred to in subsec. (c), is Pub. L. 107-71, Nov. 19, 2001,

115 Stat. 597. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 40101 of this title and Tables.

##### AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §1991(d)(34)(A), substituted “Administrator of the Transportation Security Administration” for “Under Secretary for Transportation Security”.

Subsec. (b)(1). Pub. L. 115-254, §1991(d)(34)(B)(i), substituted “Secretary of Homeland Security and Administrator of the Transportation Security Administration” for “Secretary and Under Secretary of Transportation for Security” and “for the Administrator of the Transportation Security Administration” for “for the Under Secretary”.

Subsec. (b)(2). Pub. L. 115-254, §1991(d)(34)(B)(ii), substituted “Administrator of the Transportation Security Administration and” for “Under Secretary and” and, in two places, substituted “Administrator shall” for “Under Secretary shall”.

Subsec. (c). Pub. L. 115-254, §1991(d)(34)(C), substituted “Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597), the Administrator of the Transportation Security Administration” for “Aviation Security Act, the Under Secretary for Transportation Security”.

#### § 44944. Voluntary provision of emergency services

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Administrator of the Transportation Security Administration shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Administrator of the Transportation Security Administration shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Administrator of the Transportation Security Administration considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Administrator of the Transportation Security Administration requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Administrator of the Transportation Security Administration shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Administrator of the Transportation Security Administration shall consult with the Administrator of the Federal Aviation Administration, appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) EXEMPTION FROM LIABILITY.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises