

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

from an act or omission of the individual in providing or attempting to provide assistance in the case of an in-flight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Administrator of the Transportation Security Administration shall prescribe for purposes of this section.

(c) EXCEPTION.—The exemption under subsection (b) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.

(Added Pub. L. 107-71, title I, §131(a), Nov. 19, 2001, 115 Stat. 635; amended Pub. L. 115-254, div. K, title I, §1991(d)(35), Oct. 5, 2018, 132 Stat. 3641.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-254, §1991(d)(35)(B), substituted “Administrator of the Transportation Security Administration” for “Under Secretary” wherever appearing.

Subsec. (a)(1). Pub. L. 115-254, §1991(d)(35)(A)(i), substituted “Administrator of the Transportation Security Administration” for “Under Secretary of Transportation for Transportation Security”.

Subsec. (a)(4). Pub. L. 115-254, §1991(d)(35)(A)(ii), inserted “the Administrator of the Federal Aviation Administration,” after “consult with”.

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 107-71, title I, §131(c), Nov. 19, 2001, 115 Stat. 635, provided that: “Nothing in this section [enacting this section] may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.”

[For definitions of “aircraft” and “air transportation” used in section 131(c) 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.]

§ 44945. Disposition of unclaimed money and clothing

(a) DISPOSITION OF UNCLAIMED MONEY.—Notwithstanding section 3302 of title 31, unclaimed money recovered at any airport security checkpoint shall be retained by the Transportation Security Administration and shall remain available until expended for the purpose of providing civil aviation security as required in this chapter.

(b) DISPOSITION OF UNCLAIMED CLOTHING.—

(1) IN GENERAL.—In disposing of unclaimed clothing recovered at any airport security checkpoint, the Administrator of the Transportation Security Administration shall make every reasonable effort, in consultation with the Secretary of Veterans Affairs, to transfer the clothing to the local airport authority or other local authorities for donation to charity, including local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and veteran families.

(2) AGREEMENTS.—In implementing paragraph (1), the Administrator of the Transportation Security Administration may enter into agreements with airport authorities.

(3) OTHER CHARITABLE ARRANGEMENTS.—Nothing in this subsection shall prevent an airport or the Transportation Security Administration from donating unclaimed clothing to a charitable organization of their choosing.

(4) LIMITATION.—Nothing in this subsection shall create a cost to the Government.

(Added Pub. L. 108-334, title V, §515(a), Oct. 18, 2004, 118 Stat. 1317; amended Pub. L. 112-271, §2(a), Jan. 14, 2013, 126 Stat. 2446; Pub. L. 115-254, div. K, title I, §1991(d)(36), Oct. 5, 2018, 132 Stat. 3641.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1), (2). Pub. L. 115-254 substituted “Administrator of the Transportation Security Administration” for “Assistant Secretary”.

2013—Pub. L. 112-271 inserted “and clothing” after “money” in section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

ANNUAL REPORT

Pub. L. 108-334, title V, §515(b), Oct. 18, 2004, 118 Stat. 1318, provided that: “Not later than 180 days after the date of enactment of this Act [Oct. 18, 2004] and annually thereafter, the Administrator of the Transportation Security Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Appropriations of the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Appropriations of the Senate, a report that contains a detailed description of the amount of unclaimed money recovered in total and at each individual airport, and specifically how the unclaimed money is being used to provide civil aviation security.”

§ 44946. Aviation Security Advisory Committee

(a) ESTABLISHMENT.—The Administrator shall establish within the Transportation Security Administration an aviation security advisory committee.

(b) DUTIES.—

(1) IN GENERAL.—The Administrator shall consult the Advisory Committee, as appropriate, on aviation security matters, including on the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security, while adhering to sensitive security guidelines.

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Administrator, recommendations for improvements to aviation security.

(B) RECOMMENDATIONS OF SUBCOMMITTEES.—Recommendations agreed upon by the subcommittees established under this section shall be approved by the Advisory Committee before transmission to the Administrator.

(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Administrator—

(A) reports on matters identified by the Administrator; and