

participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

“(4) In consultation with the Commissioner of the Food and Drug Administration, develop alternative security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to an inspection that would irreversibly damage the product.

“(5) Provide for the use of technologies, including wireless and wire line data technologies, to enable the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

“(6) In consultation with the Administrator of the Federal Aviation Administration, consider whether to require all pilot licenses to incorporate a photograph of the license holder and appropriate biometric imprints.

“(7) Provide for the use of voice stress analysis, biometric, or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

“(8) Provide for the use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

“(9) Require that air carriers provide flight attendants with a discreet, hands-free, wireless method of communicating with the pilots.

“(b) REPORT.—Not later than 6 months after the date of enactment of this Act [Nov. 19, 2001], and annually thereafter until the Under Secretary has implemented or decided not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security.”

[For definitions of terms used in section 109 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.]

### § 115. Transportation Security Oversight Board

(a) IN GENERAL.—There is established in the Department of Homeland Security a board to be known as the “Transportation Security Oversight Board”.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 7 members as follows:

(A) The Secretary of Homeland Security, or the Secretary’s designee.

(B) The Secretary of Transportation, or the Secretary’s designee.

(C) The Attorney General, or the Attorney General’s designee.

(D) The Secretary of Defense, or the Secretary’s designee.

(E) The Secretary of the Treasury, or the Secretary’s designee.

(F) The Director of National Intelligence, or the Director’s designee.

(G) One member appointed by the President to represent the National Security Council.

(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Homeland Security.

(c) DUTIES.—The Board shall—

(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for security<sup>1</sup> under section 114(l)(2) within 30 days after the date of issuance of such regulation or directive;

(2) facilitate the coordination of intelligence, security, and law enforcement activities affecting transportation;

(3) facilitate the sharing of intelligence, security, and law enforcement information affecting transportation among Federal agencies and with carriers and other transportation providers as appropriate;

(4) explore the technical feasibility of developing a common database of individuals who may pose a threat to transportation or national security;

(5) review plans for transportation security;

(6) make recommendations to the Under Secretary regarding matters reviewed under paragraph (5).

(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public, except that meetings shall be closed to the public whenever classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.

(Added Pub. L. 107-71, title I, §102(a), Nov. 19, 2001, 115 Stat. 604; amended Pub. L. 107-296, title IV, §426(a), Nov. 25, 2002, 116 Stat. 2186; Pub. L. 111-259, title IV, §411, Oct. 7, 2010, 124 Stat. 2725.)

#### AMENDMENTS

2010—Subsec. (b)(1)(F). Pub. L. 111-259 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “The Director of the Central Intelligence Agency, or the Director’s designee.”

2002—Subsec. (a). Pub. L. 107-296, §426(a)(1), substituted “Department of Homeland Security” for “Department of Transportation”.

Subsec. (b)(1). Pub. L. 107-296, §426(a)(2), added subpar. (A), redesignated former subpars. (A) to (F) as (B) to (G), respectively, and struck out former subpar. (G) which read as follows: “One member appointed by the President to represent the Office of Homeland Security.”

Subsec. (b)(2). Pub. L. 107-296, §426(a)(3), substituted “Secretary of Homeland Security” for “Secretary of Transportation”.

#### 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.

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

<sup>1</sup> So in original. Probably should be capitalized.

**CHAPTER 3—GENERAL DUTIES AND POWERS**

**SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION**

- Sec.
- 301. Leadership, consultation, and cooperation.
- 302. Policy standards for transportation.
- 303. Policy on lands, wildlife and waterfowl refuges, and historic sites.
- 303a. Development of water transportation.
- 304. Application of categorical exclusions for multimodal projects.
- 305. Transportation investment standards and criteria.
- 306. Prohibited discrimination.
- [307. Repealed.]
- 308. Reports.
- 309. High-speed ground transportation.

**SUBCHAPTER II—ADMINISTRATIVE**

- 321. Definitions.
- 322. General powers.
- 323. Personnel.
- 324. Members of the armed forces.
- 325. Advisory committees.
- 326. Gifts.
- 327. Administrative working capital fund.
- 328. Transportation Systems Center working capital fund.
- 329. Transportation information.
- 330. Research contracts.
- 331. Service, supplies, and facilities at remote places.
- 332. Minority Resource Center.
- 333. Responsibility for rail transportation unification and coordination projects.
- [334, 335. Repealed.]
- 336. Civil penalty procedures.
- 337. Budget request for the Director of Intelligence and Security.

**SUBCHAPTER III—MISCELLANEOUS**

- 351. Judicial review of actions in carrying out certain transferred duties and powers.
- 352. Authority to carry out certain transferred duties and powers.
- 353. Toxicological testing of officers and employees.
- 354. Investigative authority of Inspector General.

**AMENDMENTS**

2012—Pub. L. 112-141, div. C, title II, § 32932(a)(2), July 6, 2012, 126 Stat. 829, struck out item 307 “Safety information and intervention in Interstate Commerce Commission proceedings”.

Pub. L. 112-141, div. A, title I, § 1314(b), July 6, 2012, 126 Stat. 549, which directed the general amendment of the item relating to section 304 in the analysis for title 49, was executed to the analysis for this chapter, to reflect the probable intent of Congress. Prior to amendment, item 304 read as follows: “Joint activities with the Secretary of Housing and Urban Development”.

2003—Pub. L. 108-168, § 8(b)(2), Dec. 6, 2003, 117 Stat. 2035, added item 354.

1994—Pub. L. 103-272, § 4(j)(6)(B), (9)(B), (10)(B), July 5, 1994, 108 Stat. 1366-1368, added item 303a, struck out items 334 “Limit on aviation charges” and 335 “Authorization of appropriations”, and added item 337, subchapter III heading, and items 351 to 353.

1991—Pub. L. 102-240, title I, § 1036(c)(2), Dec. 18, 1991, 105 Stat. 1985, added item 309.

1989—Pub. L. 101-225, title III, § 305(2), Dec. 12, 1989, 103 Stat. 1925, added item 336.

1984—Pub. L. 98-216, § 2(1)(B), Feb. 14, 1984, 98 Stat. 5, substituted “Reports” for “Annual reports” in item 308.

**SUBCHAPTER I—DUTIES OF THE SECRETARY OF TRANSPORTATION**

**§ 301. Leadership, consultation, and cooperation**

The Secretary of Transportation shall—

(1) under the direction of the President, exercise leadership in transportation matters, including those matters affecting national defense and those matters involving national or regional emergencies;

(2) provide leadership in the development of transportation policies and programs, and make recommendations to the President and Congress for their consideration and implementation;

(3) coordinate Federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation in the United States;

(4) promote and undertake the development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation;

(5) consult and cooperate with the Secretary of Labor in compiling information regarding the status of labor-management contracts and other labor-management problems and in promoting industrial harmony and stable employment conditions in all modes of transportation;

(6) promote and undertake research and development related to transportation, including noise abatement, with particular attention to aircraft noise, and including basic highway vehicle science;

(7) consult with the heads of other departments, agencies, and instrumentalities of the United States Government on the transportation requirements of the Government, including encouraging them to establish and observe policies consistent with maintaining a coordinated transportation system in procuring transportation or in operating their own transport services;

(8) consult and cooperate with State and local governments, carriers, labor, and other interested persons, including, when appropriate, holding informal public hearings; and

(9) develop and coordinate Federal policy on financing transportation infrastructure, including the provision of direct Federal credit assistance and other techniques used to leverage Federal transportation funds.

(Pub. L. 97-449, § 1(b), Jan. 12, 1983, 96 Stat. 2418; Pub. L. 102-240, title V, § 5002(a), title VI, § 6017, Dec. 18, 1991, 105 Stat. 2158, 2183; Pub. L. 105-178, title I, § 1504, June 9, 1998, 112 Stat. 251.)

**HISTORICAL AND REVISION NOTES**

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
301 .....	49:1653(a).	Oct. 15, 1966, Pub. L. 89-670, § 4(a), 80 Stat. 933.

In the introductory clause before “shall”, the words “in carrying out the purposes of this chapter . . . among his responsibilities” are omitted as surplus.

In clause (4), the word “compiling” is substituted for “gathering” for consistency.

**AMENDMENTS**

1998—Par. (9). Pub. L. 105-178 added par. (9).  
 1991—Pars. (3) to (5). Pub. L. 102-240, § 5002(a), added par. (3) and redesignated former pars. (3) and (4) as (4) and (5), respectively. Former par. (5) redesignated (6).

Par. (6). Pub. L. 102-240, §§ 5002(a), 6017, redesignated par. (5) as (6) and inserted “, and including basic highway vehicle science”. Former par. (6) redesignated (7).