

sory Committee any subcommittee that the Assistant Secretary and Advisory Committee determine to be necessary. The Assistant Secretary and the Advisory Committee shall create subcommittees to address aviation security issues, including the following:

(A) **AIR CARGO SECURITY.**—The implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

(B) **GENERAL AVIATION.**—General aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

(C) **PERIMETER AND ACCESS CONTROL.**—Recommendations on airport perimeter security, exit lane security and technology at commercial service airports, and access control issues.

(D) **SECURITY TECHNOLOGY.**—Security technology standards and requirements, including their harmonization internationally, technology to screen passengers, passenger baggage, carry-on baggage, and cargo, and biometric technology.

(2) **RISK-BASED SECURITY.**—All subcommittees established by the Advisory Committee chairperson in coordination with the Assistant Secretary shall consider risk-based security approaches in the performance of their functions that weigh the optimum balance of costs and benefits in transportation security, including for passenger screening, baggage screening, air cargo security policies, and general aviation security matters.

(3) **MEETINGS AND REPORTING.**—Each subcommittee shall meet at least quarterly and submit to the Advisory Committee for inclusion in the annual report required under subsection (b)(4) information, including recommendations, regarding issues within the subcommittee.

(4) **SUBCOMMITTEE CHAIRS.**—Each subcommittee shall be co-chaired by a Government official and an industry official.

(e) **SUBJECT MATTER EXPERTS.**—Each subcommittee under this section shall include subject matter experts with relevant expertise who are appointed by the respective subcommittee chairpersons.

(f) **NONAPPLICABILITY OF FACAA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee and its subcommittees.

(g) **DEFINITIONS.**—In this section:

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the aviation security advisory committee established under subsection (a).

(2) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the Assistant Secretary of Homeland Security (Transportation Security Administration).

(3) **PERIMETER SECURITY.**—

(A) **IN GENERAL.**—The term “perimeter security” means procedures or systems to monitor, secure, and prevent unauthorized

access to an airport, including its airfield and terminal.

(B) **INCLUSIONS.**—The term “perimeter security” includes the fence area surrounding an airport, access gates, and access controls.

(Added Pub. L. 113–238, §2(a), Dec. 18, 2014, 128 Stat. 2842; amended Pub. L. 114–190, title III, §3411, July 15, 2016, 130 Stat. 662.)

#### REFERENCES IN TEXT

The date of enactment of the Aviation Security Stakeholder Participation Act of 2014, referred to in subsec. (c)(1)(A), is the date of enactment of Pub. L. 113–238, which was approved Dec. 18, 2014.

The Federal Advisory Committee Act, referred to in subsec. (f), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

2016—Subsec. (b)(5). Pub. L. 114–190, §3411(b), substituted “paragraph (2) or (4)” for “paragraph (4)”.

Subsec. (c)(2)(A). Pub. L. 114–190, §3411(a), amended subpar. (A) generally. Prior to amendment, text read as follows: “The term of each member of the Advisory Committee shall be 2 years. A member of the Advisory Committee may be reappointed.”

### CHAPTER 451—ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Sec.	
45101.	Definition.
45102.	Alcohol and controlled substances testing programs.
45103.	Prohibited service.
45104.	Testing and laboratory requirements.
45105.	Rehabilitation.
45106.	Relationship to other laws, regulations, standards, and orders.
45107.	Transportation Security Administration.

#### AMENDMENTS

2001—Pub. L. 107–71, title I, §139(5), Nov. 19, 2001, 115 Stat. 641, added item 45107.

#### § 45101. Definition

In this chapter, “controlled substance” means any substance under section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802) specified by the Administrator of the Federal Aviation Administration.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1221.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
45101 .....	49 App.:1434(f).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §614(f); added Oct. 28, 1991, Pub. L. 102–143, §3(a), 105 Stat. 956.

#### § 45102. Alcohol and controlled substances testing programs

(a) **PROGRAM FOR EMPLOYEES OF AIR CARRIERS AND FOREIGN AIR CARRIERS.**—(1) In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crew mem-

bers, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of a controlled substance in violation of law or a United States Government regulation; and to conduct reasonable suspicion, random, and post-accident testing of airmen, crew members, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol in violation of law or a United States Government regulation. The regulations shall permit air carriers and foreign air carriers to conduct pre-employment testing of airmen, crew members, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol.

(2) When the Administrator considers it appropriate in the interest of safety, the Administrator may prescribe regulations for conducting periodic recurring testing of airmen, crewmembers, airport security screening personnel, and other air carrier employees responsible for safety-sensitive functions for the use of alcohol or a controlled substance in violation of law or a Government regulation.

(b) PROGRAM FOR EMPLOYEES OF THE FEDERAL AVIATION ADMINISTRATION.—(1) The Administrator shall establish a program of preemployment, reasonable suspicion, random, and post-accident testing for the use of a controlled substance in violation of law or a United States Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions and shall establish a program of reasonable suspicion, random, and post-accident testing for the use of alcohol in violation of law or a United States Government regulation for such employees. The Administrator may establish a program of preemployment testing for the use of alcohol for such employees.

(2) When the Administrator considers it appropriate in the interest of safety, the Administrator may prescribe regulations for conducting periodic recurring testing of employees of the Administration responsible for safety-sensitive functions for use of alcohol or a controlled substance in violation of law or a Government regulation.

(c) SANCTIONS.—In prescribing regulations under the programs required by this section, the Administrator shall require, as the Administrator considers appropriate, the suspension or revocation of any certificate issued to an individual referred to in this section, or the disqualification or dismissal of the individual, under this chapter when a test conducted and confirmed under this chapter indicates the individual has used alcohol or a controlled substance in violation of law or a Government regulation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1221; Pub. L. 104-59, title III, §342(d), Nov. 28, 1995, 109 Stat. 609; Pub. L. 107-71, title I, §139(1), Nov. 19, 2001, 115 Stat. 640.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
45102(a) .....	49 App.:1434(a)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §614(a); added Oct. 28, 1991, Pub. L. 102-143, §3(a), 105 Stat. 953.
45102(b) .....	49 App.:1434(a)(2).	
45102(c) .....	49 App.:1434(a)(3).	

In subsections (a)(2) and (b)(2), the word “also” is omitted as surplus.

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-71 substituted “personnel” for “contract personnel” wherever appearing.

1995—Subsec. (a)(1). Pub. L. 104-59, §342(d)(1), added par. (1) and struck out former par. (1) which read as follows: “In the interest of aviation safety, the Administrator of the Federal Aviation Administration shall prescribe regulations not later than October 28, 1992, that establish a program requiring air carriers and foreign air carriers to conduct preemployment, reasonable suspicion, random, and post-accident testing of airmen, crewmembers, airport security screening contract personnel, and other air carrier employees responsible for safety-sensitive functions (as decided by the Administrator) for the use of alcohol or a controlled substance in violation of law or a United States Government regulation.”

Subsec. (b)(1). Pub. L. 104-59, §342(d)(2), added par. (1) and struck out former par. (1) which read as follows: “The Administrator shall establish a program of pre-employment, reasonable suspicion, random, and post-accident testing for the use of alcohol or a controlled substance in violation of law or a Government regulation for employees of the Administration whose duties include responsibility for safety-sensitive functions.”

RULEMAKING ON RANDOM TESTING FOR PROHIBITED DRUGS

Pub. L. 103-305, title V, §501, Aug. 23, 1994, 108 Stat. 1594, provided that: “Not later than 180 days after the date of the enactment of this Act [Aug. 23, 1994], the Secretary shall complete a rulemaking proceeding and issue a final decision on whether there should be a reduction in the annualized rate now required by the Secretary of random testing for prohibited drugs for personnel engaged in aviation activities.”

§ 45103. Prohibited service

(a) USE OF ALCOHOL OR A CONTROLLED SUBSTANCE.—An individual may not use alcohol or a controlled substance after October 28, 1991, in violation of law or a United States Government regulation and serve as an airman, crewmember, airport security screening employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator of the Federal Aviation Administration), or employee of the Administration with responsibility for safety-sensitive functions.

(b) REHABILITATION REQUIRED TO RESUME SERVICE.—Notwithstanding subsection (a) of this section, an individual found to have used alcohol or a controlled substance after October 28, 1991, in violation of law or a Government regulation may serve as an airman, crewmember, airport security screening employee, air carrier employee responsible for safety-sensitive functions (as decided by the Administrator), or employee of the Administration with responsibility for safety-sensitive functions only if the individual completes a rehabilitation program described in section 45105 of this title.

(c) PERFORMANCE OF PRIOR DUTIES PROHIBITED.—An individual who served as an airman,