

visory duties. The member shall protect the sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

(6) **CHAIRPERSON.**—A stakeholder representative on the Advisory Committee who is elected by the appointed membership of the Advisory Committee shall chair the Advisory Committee.

(d) **SUBCOMMITTEES.**—

(1) **MEMBERSHIP.**—The Advisory Committee chairperson, in coordination with the Assistant Secretary, may establish within the Advisory 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 FACA.**—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.