

program that at least provides for the identification and opportunity for treatment of employees of the Administration whose duties include responsibility for safety-sensitive functions who need assistance in resolving problems with the use of alcohol or a controlled substance.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1223; Pub. L. 103-429, §6(58), Oct. 31, 1994, 108 Stat. 4385.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
45105(a) .....	49 App.:1434(c)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §614(c); added Oct. 28, 1991, Pub. L. 102-143, §3(a), 105 Stat. 954.
45105(b) .....	49 App.:1434(c)(2).	

In subsection (a), the words “of air carriers and foreign air carriers” are added for clarity.

PUB. L. 103-429

This amends 49:45105(a) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1224).

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-429 substituted “section 45102(a)(1)” for “section 45102(a)(1)(A)” in second sentence.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

PRIORITIZING AND SUPPORTING THE HUMAN INTERVENTION MOTIVATION STUDY (HIMS) PROGRAM AND THE FLIGHT ATTENDANT DRUG AND ALCOHOL PROGRAM (FADAP)

Pub. L. 115-254, div. B, title V, §554(a), Oct. 5, 2018, 132 Stat. 3380, provided that: “The [Federal Aviation] Administration shall continue to prioritize and support the Human Intervention Motivation Study (HIMS) program for flight crewmembers and the Flight Attendant Drug and Alcohol Program (FADAP) for flight attendants.”

HUMAN INTERVENTION MOTIVATION STUDY

Pub. L. 112-95, title VIII, §819, Feb. 14, 2012, 126 Stat. 127, provided that: “Not later than 180 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall develop a Human Intervention Motivation Study program for cabin crew members employed by commercial air carriers in the United States.”

**§ 45106. Relationship to other laws, regulations, standards, and orders**

(a) EFFECT ON STATE AND LOCAL GOVERNMENT LAWS, REGULATIONS, STANDARDS, OR ORDERS.—A State or local government may not prescribe, issue, or continue in effect a law, regulation, standard, or order that is inconsistent with regulations prescribed under this chapter. However, a regulation prescribed under this chapter does not preempt a State criminal law that imposes sanctions for reckless conduct leading to loss of life, injury, or damage to property.

(b) INTERNATIONAL OBLIGATIONS AND FOREIGN LAWS.—(1) In prescribing regulations under this chapter, the Administrator of the Federal Aviation Administration—

(A) shall establish only requirements applicable to foreign air carriers that are consistent with international obligations of the United States; and

(B) shall consider applicable laws and regulations of foreign countries.

(2) The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to strengthen and enforce existing standards to prohibit crewmembers in international civil aviation from using alcohol or a controlled substance in violation of law or a United States Government regulation.

(c) OTHER REGULATIONS ALLOWED.—This section does not prevent the Administrator from continuing in effect, amending, or further supplementing a regulation prescribed before October 28, 1991, governing the use of alcohol or a controlled substance by airmen, crewmembers, airport security screening employees, air carrier employees responsible for safety-sensitive functions (as decided by the Administrator), or employees of the Administration with responsibility for safety-sensitive functions.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1224; Pub. L. 107-71, title I, §139(3), Nov. 19, 2001, 115 Stat. 640.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
45106(a) .....	49 App.:1434(e)(1).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §614(e); added Oct. 28, 1991, Pub. L. 102-143, §3(a), 105 Stat. 956.
45106(b) .....	49 App.:1434(e)(3).	
45106(c) .....	49 App.:1434(e)(2).	

In subsection (a), the word “prescribe” is substituted for “adopt” for consistency in the revised title and with other titles of the United States Code. The word “rule” is omitted as being synonymous with “regulation”. The word “ordinance” is omitted as being included in “law” and “regulation”. The words “actual” and “whether the provisions apply specifically to employees of an air carrier or foreign air carrier, or to the general public” are omitted as surplus.

In subsection (c) the word “prevent” is substituted for “restrict the discretion of” to eliminate unnecessary words.

AMENDMENTS

2001—Subsec. (c). Pub. L. 107-71 substituted “screening employees” for “screening contract employees”.

**§ 45107. Transportation Security Administration**

(a) TRANSFER OF FUNCTIONS RELATING TO TESTING PROGRAMS WITH RESPECT TO AIRPORT SECURITY SCREENING PERSONNEL.—The authority of the Administrator of the Federal Aviation Administration under this chapter with respect to programs relating to testing of airport security screening personnel are transferred to the Administrator of the Transportation Security Administration. Notwithstanding section 45102(a), the regulations prescribed under section 45102(a) shall require testing of such personnel by their employers instead of by air carriers and foreign air carriers.

(b) APPLICABILITY OF CHAPTER WITH RESPECT TO EMPLOYEES OF ADMINISTRATION.—The provi-