

Editorial Notes

REFERENCES IN TEXT

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

2018—Pub. L. 115-254, §1991(d)(37)(B), substituted “Administrator” for “Assistant Secretary” wherever appearing.

Subsec. (b)(4). Pub. L. 115-254, §1991(d)(37)(C), substituted “the Administrator receives” for “the Secretary receives” and “the Administrator shall” for “the Secretary shall”.

Subsec. (c)(1)(A). Pub. L. 115-254, §1991(d)(37)(D), substituted “The” for “Not later than 180 days after the date of enactment of the Aviation Security Stakeholder Participation Act of 2014, the”.

Subsec. (g). Pub. L. 115-254, §1991(d)(37)(A), added par. (1), redesignated former par. (1) as (2), and struck out former par. (2) which defined “Assistant Secretary”.

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.”

§ 44947. Air cargo security division

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the TSA Modernization Act, the Administrator shall establish an air cargo security division to carry out and engage with stakeholders regarding the implementation of air cargo security programs established by the Administration.

(b) LEADERSHIP; STAFFING.—The air cargo security division established pursuant to subsection (a) shall be headed by an individual in the executive service within the TSA and be staffed by not fewer than 4 full-time equivalents, including the head of the division.

(c) STAFFING.—The Administrator of the Transportation Security Administration shall staff the air cargo security division with existing TSA personnel.

(Added Pub. L. 115-254, div. K, title I, §1943(a), Oct. 5, 2018, 132 Stat. 3584.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the TSA Modernization Act, referred to in subsec. (a), is the date of enactment of title I of div. K of Pub. L. 115-254, which was approved Oct. 5, 2018.

§ 44948. National Deployment Office

(a) ESTABLISHMENT.—There is established within the Transportation Security Administration a National Deployment Office, to be headed by an individual with supervisory experience. Such individual shall be designated by the Administrator of the Transportation Security Administration.

(b) DUTIES.—The individual designated as the head of the National Deployment Office shall be responsible for the following:

- (1) Maintaining a National Deployment Force within the Transportation Security Ad-

ministration, including transportation security officers, supervisory transportation security officers and lead transportation security officers, to provide the Administration with rapid and efficient response capabilities and augment the Department of Homeland Security’s homeland security operations to mitigate and reduce risk, including for the following:

(A) Airports temporarily requiring additional security personnel due to an emergency, seasonal demands, hiring shortfalls, severe weather conditions, passenger volume mitigation, equipment support, or other reasons.

(B) Special events requiring enhanced security including National Special Security Events, as determined by the Secretary of Homeland Security.

(C) Response in the aftermath of any man-made disaster, including any terrorist attack.

(D) Other such situations, as determined by the Administrator.

(2) Educating transportation security officers regarding how to participate in the Administration’s National Deployment Force.

(3) Recruiting officers to serve on the National Deployment Force, in accordance with a staffing model to be developed by the Administrator.

(4) Approving 1-year appointments for officers to serve on the National Deployment Force, with an option to extend upon officer request and with the approval of the appropriate Federal Security Director.

(5) Training officers to serve on the National Deployment Force.

(Added Pub. L. 115-254, div. K, title I, §1988(a), Oct. 5, 2018, 132 Stat. 3622.)

Statutory Notes and Related Subsidiaries

CAREER DEVELOPMENT

Pub. L. 115-254, div. K, title I, §1988(d), Oct. 5, 2018, 132 Stat. 3623, provided that: “The Administrator [of the Transportation Security Administration] may consider service in the National Deployment Force as a positive factor when evaluating applicants for promotion opportunities within the TSA [Transportation Security Administration].”

CHAPTER 451—ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Sec.	Definition.
45101.	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.

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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 Com-

prehensive 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 members, 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 Adminis-

trator 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

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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.”

Statutory Notes and Related Subsidiaries

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 Aug. 23, 1994, the Secretary would complete a rulemaking proceeding and issue a final decision on whether there should be a reduction in the annualized rate required of random drug testing for personnel engaged in aviation activities.