

tion prescribed in carrying out this section if the Under Secretary determines that the exemption is in the public interest.

(s) NONDISCLOSURE OF SECURITY ACTIVITIES.—

(1) IN GENERAL.—Notwithstanding section 552 of title 5, the Under Secretary shall prescribe regulations prohibiting the disclosure of information obtained or developed in carrying out security under authority of the Aviation and Transportation Security Act (Public Law 107-71) or under chapter 449 of this title if the Under Secretary decides that disclosing the information would—

(A) be an unwarranted invasion of personal privacy;

(B) reveal a trade secret or privileged or confidential commercial or financial information; or

(C) be detrimental to the security of transportation.

(2) AVAILABILITY OF INFORMATION TO CONGRESS.—Paragraph (1) does not authorize information to be withheld from a committee of Congress authorized to have the information.

(3) LIMITATION ON TRANSFERABILITY OF DUTIES.—Except as otherwise provided by law, the Under Secretary may not transfer a duty or power under this subsection to another department, agency, or instrumentality of the United States.

(Added Pub. L. 107-71, title I, §101(a), Nov. 19, 2001, 115 Stat. 597; amended Pub. L. 107-296, title XVI, §1601(b), title XVII, §1707, Nov. 25, 2002, 116 Stat. 2312, 2318; Pub. L. 108-7, div. I, title III, §351(d), Feb. 20, 2003, 117 Stat. 420.)

REFERENCES IN TEXT

The date of enactment of the Aviation and Transportation Security Act, referred to in subsec. (k), is the date of enactment of Pub. L. 107-71, which was approved Nov. 19, 2001.

The Inspector General Act of 1978, referred to in subsec. (p), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Aviation and Transportation Security Act, referred to in subsec. (s)(1), is Pub. L. 107-71, Nov. 19, 2001, 115 Stat. 597, as amended. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 40101 of this title and Tables.

AMENDMENTS

2003—Subsec. (q)(1). Pub. L. 108-7 inserted “or other Federal agency” after “Transportation Security Administration”.

2002—Subsec. (l)(2)(B). Pub. L. 107-296, §1707, inserted “for a period not to exceed 90 days” after “effective” and “ratified or” before “disapproved”.

Subsec. (s). Pub. L. 107-296, §1601(b), added subsec. (s).

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.

ENHANCED SECURITY MEASURES

Pub. L. 107-71, title I, §109, Nov. 19, 2001, 115 Stat. 613, as amended by Pub. L. 107-296, title XIV, §1403(b), Nov. 25, 2002, 116 Stat. 2306, provided that:

“(a) IN GENERAL.—The Under Secretary of Transportation for Security may take the following actions:

“(1) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

“(2) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport, if otherwise authorized to carry such weapons.

“(3) Establish requirements to implement trusted passenger programs and use available technologies to expedite the security screening of passengers who 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.]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 115, 20105, 46110 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 the Central Intelligence Agency, 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 security¹ 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.)

AMENDMENTS

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.”

¹ So in original. Probably should be capitalized.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114, 46111 of this title.

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.	Joint activities with the Secretary of Housing and Urban Development.
305.	Transportation investment standards and criteria.
306.	Prohibited discrimination.
307.	Safety information and intervention in Interstate Commerce Commission proceedings.
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

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