

**TITLE 49 - TRANSPORTATION**  
**SUBTITLE VII - AVIATION PROGRAMS**  
**PART A - AIR COMMERCE AND SAFETY**  
**subpart iii - safety**  
**CHAPTER 449 - SECURITY**  
**SUBCHAPTER II - ADMINISTRATION AND PERSONNEL**

**§ 44937. Prohibition on transferring duties and powers**

Except as specifically provided by law, the Under Secretary of Transportation for Security may not transfer a duty or power under section 44903 (a), (b), (c), or (e), 44906, 44912, 44935, 44936, or 44938 (b)(3) of this title to another department, agency, or instrumentality of the United States Government.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 1219; Pub. L. 103–429, § 6(57), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 107–71, title I, § 101(f)(7), (9), Nov. 19, 2001, 115 Stat. 603.)

**Historical and Revision Notes**

**Pub. L. 103–272**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44937		
49 App.:1357(e)(1).		
	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, § 316(e)(1); added Aug. 5, 1974, Pub. L. 93–366, § 202, 88 Stat. 417.	

The word “otherwise” is omitted as surplus. The word “assigned” is omitted as being included in “transfer”. The word “function” is omitted as being included in “duty or power”. The words “department, agency, or instrumentality of the United States Government” are substituted for “Federal department or agency” for clarity and consistency in the revised title and with other titles of the United States Code.

**Pub. L. 103–429**

This amends 49:44937 to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1219).

**Amendments**

2001—Pub. L. 107–71 substituted “Under Secretary of Transportation for Security” for “Administrator of the Federal Aviation Administration”.

1994—Pub. L. 103–429 substituted “44906” for “44906(a)(1) or (b)”.

**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.

**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.