§ 44904. Domestic air transportation system security

(a) **Assessing Threats.**— The Under Secretary of Transportation for Security and the Director of the Federal Bureau of Investigation jointly shall assess current and potential threats to the domestic air transportation system. The assessment shall include consideration of the extent to which there are individuals with the capability and intent to carry out terrorist or related unlawful acts against that system and the ways in which those individuals might carry out those acts. The Under Secretary and the Director jointly shall decide on and carry out the most effective method for continuous analysis and monitoring of security threats to that system.

(b) **Assessing Security.**— In coordination with the Director, the Under Secretary shall carry out periodic threat and vulnerability assessments on security at each airport that is part of the domestic air transportation system. Each assessment shall include consideration of—

1. the adequacy of security procedures related to the handling and transportation of checked baggage and cargo;
2. space requirements for security personnel and equipment;
3. separation of screened and unscreened passengers, baggage, and cargo;
4. separation of the controlled and uncontrolled areas of airport facilities; and
5. coordination of the activities of security personnel of the Transportation Security Administration, the United States Customs Service, the Immigration and Naturalization Service, and air carriers, and of other law enforcement personnel.

(c) **Modal Security Plan for Aviation.**— In addition to the requirements set forth in subparagraphs (B) through (F) of section 114 (t)(3),\(^1\) the modal security plan for aviation prepared under section 114 (t)\(^1\) shall—

1. establish a damage mitigation and recovery plan for the aviation system in the event of a terrorist attack; and
2. include a threat matrix document that outlines each threat to the United States civil aviation system and the corresponding layers of security in place to address such threat.

(d) **Operational Criteria.**— Not later than 90 days after the date of the submission of the National Strategy for Transportation Security under section 114 (t)(4)(A),\(^1\) the Assistant Secretary of Homeland Security (Transportation Security Administration) shall issue operational criteria to protect airport infrastructure and operations against the threats identified in the plans prepared under section 114 (t)(1)\(^1\) and shall approve best practices guidelines for airport assets.

(e) **Improving Security.**— The Under Secretary shall take necessary actions to improve domestic air transportation security by correcting any deficiencies in that security discovered in the assessments, analyses, and monitoring carried out under this section.

Footnotes

\(^1\) See References in Text note below.

Historical and Revision Notes

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In subsection (a), the words “domestic air transportation system” are substituted for “domestic aviation system” for consistency in this section.

In subsection (b), before clause (1), the word “Director” is substituted for “Federal Bureau of Investigation” because of 28:532. In clauses (1) and (3), the word “mail” is omitted as being included in “cargo”.

In subsection (c), the word “correcting” is substituted for “remedying” for clarity.

References in Text

Section 114 (t), referred to in subsecs. (c) and (d), was redesignated section 114 (s) by Pub. L. 110–161, div. E, title V, § 568(a), Dec. 26, 2007, 121 Stat. 2092.

Amendments

2004—Subsecs. (c) to (e). Pub. L. 108–458 added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).


Subsec. (b)(5), Pub. L. 107–71, § 101(f)(1), substituted “the Transportation Security Administration” for “the Administration”.

Subsec. (c), Pub. L. 107–71, § 101(f)(7), substituted “Under Secretary” for “Administrator”.

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.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203 (1), 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.

Abolition of Immigration and Naturalization Service and Transfer of Functions

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

Regular Joint Threat Assessments

Pub. L. 104–264, title III, § 310, Oct. 9, 1996, 110 Stat. 3253, provided that: “The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation shall carry out joint threat and vulnerability assessments on security every 3 years, or more frequently, as necessary, at each airport determined to be high risk.”