

(i) the development and testing of effective explosive detection systems;

(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

(iv) other scientific and technical areas the Administrator considers appropriate.

(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

(4) Biennially, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.

(d) SECURITY AND RESEARCH AND DEVELOPMENT ACTIVITIES.—

(1) IN GENERAL.—

The Administrator shall conduct research (including behavioral research) and development activities appropriate to develop, modify, test, and evaluate a system, procedure, facility, or device to protect passengers and property against acts of criminal violence, aircraft piracy, and terrorism and to ensure security.

(2) DISCLOSURE.—

(A) In general.—Notwithstanding section 552 of title 5, the Administrator shall prescribe regulations prohibiting disclosure of information obtained or developed in ensuring security under this title if the Secretary of Homeland Security decides disclosing the information would—

- (i)** be an unwarranted invasion of personal privacy;
- (ii)** reveal a trade secret or privileged or confidential commercial or financial information; or
- (iii)** be detrimental to transportation safety.

(B) Information to congress.—

Subparagraph (A) does not authorize information to be withheld from a committee of Congress authorized to have the information.

(C) Rule of construction.—Nothing in subparagraph (A) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

- (i)** to conceal a violation of law, inefficiency, or administrative error;
- (ii)** to prevent embarrassment to a person, organization, or agency;
- (iii)** to restrain competition; or
- (iv)** to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.

(D) Privacy act.—

Section 552a of title 5 shall not apply to disclosures that the Administrator of the Transportation Security

Administration may make from the systems of records of the Transportation Security Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.

(3) TRANSFERS OF DUTIES AND POWERS PROHIBITED.—

Except as otherwise provided by law, the Administrator may not transfer a duty or power under this section to another department, agency, or instrumentality of the United States Government.

(e) DEFINITION OF ADMINISTRATOR.—

In this section, the term "Administrator" means the Administrator of the Transportation Security Administration.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1212; Pub. L. 107-71, title I, §§ 101(f)(7), (9), 112, Nov. 19, 2001, 115 Stat. 603, 620; Pub. L. 115-254, div. K, title I, § 1991(d)(10), Oct. 5, 2018, 132 Stat. 3633.)

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