

(1) the source of any voluntarily submitted supply chain security information that forms the basis for the warning; and

(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

(Pub. L. 109-347, title II, §236, Oct. 13, 2006, 120 Stat. 1919.)

SUBCHAPTER III—ADMINISTRATION

§ 1001. Designation of liaison office of Department of State

The Secretary of State shall designate a liaison office within the Department of State to assist the Secretary, as appropriate, in negotiating cargo security-related international agreements.

(Pub. L. 109-347, title III, §301(b), Oct. 13, 2006, 120 Stat. 1920.)

RULE OF CONSTRUCTION

Nothing in this section to be construed to affect the authorities, functions, or capabilities of the Coast Guard to perform its missions or the requirement under section 468 of this title that those authorities, functions, and capabilities be maintained intact, see section 301(c) of Pub. L. 109-347, set out as a note under section 239 of this title.

§ 1002. Homeland Security Science and Technology Advisory Committee

The Under Secretary for Science and Technology shall utilize the Homeland Security Science and Technology Advisory Committee, as appropriate, to provide outside expertise in advancing cargo security technology.

(Pub. L. 109-347, title III, §302(c), Oct. 13, 2006, 120 Stat. 1921.)

§ 1003. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security

(a) In general

The Secretary shall—

(1) direct research, development, testing, and evaluation efforts in furtherance of maritime and cargo security;

(2) coordinate with public and private sector entities to develop and test technologies, and process innovations in furtherance of these objectives; and

(3) evaluate such technologies.

(b) Coordination

The Secretary, in coordination with the Under Secretary for Science and Technology, the Assistant Secretary for Policy, the Commandant of the Coast Guard, the Director for Domestic Nuclear Detection, the Chief Financial Officer, and the heads of other appropriate offices or entities of the Department, shall ensure that—

(1) research, development, testing, and evaluation efforts funded by the Department in furtherance of maritime and cargo security are coordinated within the Department and with other appropriate Federal agencies to avoid duplication of efforts; and

(2) the results of such efforts are shared throughout the Department and with other

Federal, State, and local agencies, as appropriate.

(Pub. L. 109-347, title III, §303, Oct. 13, 2006, 120 Stat. 1921.)

CHAPTER 4—TRANSPORTATION SECURITY

SUBCHAPTER I—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

- Sec.
- 1101. Definitions.
- 1102. National Domestic Preparedness Consortium.
- 1103. National Transportation Security Center of Excellence.
- 1104. Immunity for reports of suspected terrorist activity or suspicious behavior and response.

SUBCHAPTER II—TRANSPORTATION SECURITY ENHANCEMENTS

- 1111. Definitions.
- 1112. Authorization of Visible Intermodal Prevention and Response teams.
- 1113. Surface transportation security inspectors.
- 1114. Surface transportation security technology information sharing.
- 1115. TSA personnel limitations.
- 1116. National explosives detection canine team training program.
- 1117. Roles of the Department of Homeland Security and the Department of Transportation.

SUBCHAPTER III—PUBLIC TRANSPORTATION SECURITY

- 1131. Definitions.
- 1132. Findings.
- 1133. National Strategy for Public Transportation Security.
- 1134. Security assessments and plans.
- 1135. Public transportation security assistance.
- 1136. Security exercises.
- 1137. Public transportation security training program.
- 1138. Public transportation research and development.
- 1139. Information sharing.
- 1140. Threat assessments.
- 1141. Reporting requirements.
- 1142. Public transportation employee protections.
- 1143. Security background checks of covered individuals for public transportation.
- 1144. Limitation on fines and civil penalties.

SUBCHAPTER IV—SURFACE TRANSPORTATION SECURITY

PART A—GENERAL PROVISIONS

- 1151. Definitions.
- 1152. Oversight and grant procedures.
- 1153. Authorization of appropriations.
- 1154. Public awareness.

PART B—RAILROAD SECURITY

- 1161. Railroad transportation security risk assessment and National Strategy.
- 1162. Railroad carrier assessments and plans.
- 1163. Railroad security assistance.
- 1164. Systemwide Amtrak security upgrades.
- 1165. Fire and life safety improvements.
- 1166. Railroad carrier exercises.
- 1167. Railroad security training program.
- 1168. Railroad security research and development.
- 1169. Railroad tank car security testing.
- 1170. Security background checks of covered individuals.
- 1171. International railroad security program.
- 1172. Railroad security enhancements; Model State legislation.

PART C—OVER-THE-ROAD BUS AND TRUCKING SECURITY

- 1181. Over-the-road bus security assessments and plans.

- Sec.
1182. Over-the-road bus security assistance.
1183. Over-the-road bus exercises.
1184. Over-the-road bus security training program.
1185. Over-the-road bus security research and development.
1186. Memorandum of Understanding annex.

PART D—HAZARDOUS MATERIAL AND PIPELINE SECURITY

1201. Railroad routing of security-sensitive materials.
1202. Railroad security-sensitive material tracking.
1203. Hazardous materials highway routing.
1204. Motor carrier security-sensitive material tracking.
1205. Hazardous materials security inspections and study.
1206. Use of transportation security card in hazmat licensing.
1207. Pipeline security inspections and enforcement.
1208. Pipeline security and incident recovery plan.

SUBCHAPTER I—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

§ 1101. Definitions

For purposes of this subchapter, the following terms apply:

(1) Department

The term “Department” means the Department of Homeland Security.

(2) Secretary

The term “Secretary” means the Secretary of Homeland Security.

(Pub. L. 110-53, title XII, §1201, Aug. 3, 2007, 121 Stat. 381.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title XII of Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 381, which enacted this subchapter, amended section 114 of Title 49, Transportation, and enacted provisions set out as a note under section 114 of Title 49. For complete classification of title XII to the Code, see Tables.

SHORT TITLE

Pub. L. 110-53, title XIV, §1401, Aug. 3, 2007, 121 Stat. 400, provided that: “This title [enacting subchapter III of this chapter] may be cited as the ‘National Transit Systems Security Act of 2007.’”

EX. ORD. NO. 13416. STRENGTHENING SURFACE TRANSPORTATION SECURITY

Ex. Ord. No. 13416, Dec. 5, 2006, 71 F.R. 71033, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen the security of the Nation’s surface transportation systems and thereby enhance the protection of the people, property, and territory of the United States of America against terrorist attacks, it is hereby ordered as follows:

SECTION 1. *Policy.* The security of our Nation’s surface transportation systems is a national priority, vital to our economy, and essential to the security of our Nation. Federal, State, local, and tribal governments, the private sector, and the public share responsibility for the security of surface transportation. It is the policy of the United States to protect the people, property, and territory of the United States by facilitating the implementation of a comprehensive, coordinated, and

efficient security program to protect surface transportation systems within and adjacent to the United States against terrorist attacks.

SEC. 2. *Definitions.* For purposes of this order:

(a) “agencies” means those executive departments enumerated in 5 U.S.C. 101, independent establishments as defined by 5 U.S.C. 104(1), government corporations as defined by 5 U.S.C. 103(1), and the United States Postal Service;

(b) “Secretary” means the Secretary of Homeland Security;

(c) “security guideline” means any security-related guidance that the Secretary recommends, for implementation on a voluntary basis, to enhance the security of surface transportation;

(d) “security requirement” means any “regulatory action” as defined in section 3 of Executive Order 12866 of September 30, 1993, as amended (Regulatory Planning and Review), including security directives when appropriate, to implement measures to enhance the security of surface transportation;

(e) “surface transportation modes” means mass transit, commuter and long-distance passenger rail, freight rail, commercial vehicles (including intercity buses), and pipelines, and related infrastructure (including roads and highways), that are within the territory of the United States, but does not include electric grids; and

(f) “surface transportation” means any conveyance of people, goods, or commodities using one or more surface transportation modes.

SEC. 3. *Functions of the Secretary of Homeland Security.*

The Secretary is the principal Federal official responsible for infrastructure protection activities for surface transportation. To implement the policy set forth in section 1 of this order, the Secretary shall, consistent with the National Infrastructure Protection Plan (NIPP), in coordination with the Secretary of Transportation, and in consultation with the heads of other relevant agencies:

(a) assess the security of each surface transportation mode and evaluate the effectiveness and efficiency of current Federal Government surface transportation security initiatives;

(b) building upon current security initiatives, not later than December 31, 2006, develop a comprehensive transportation systems sector specific plan, as defined in the NIPP;

(c) not later than 90 days after the comprehensive transportation systems sector specific plan is completed, develop an annex to such plan that addresses each surface transportation mode, which shall also include, at a minimum—

(i) an identification of existing security guidelines and security requirements and any security gaps, a description of how the transportation systems sector specific plan will be implemented for such mode, and the respective roles, responsibilities, and authorities of Federal, State, local, and tribal governments and the private sector;

(ii) schedules and protocols for annual reviews of the effectiveness of surface transportation security-related information sharing mechanisms in bringing about the timely exchange of surface transportation security information among Federal, State, local, and tribal governments and the private sector, as appropriate; and

(iii) a process for assessing (A) compliance with any security guidelines and security requirements issued by the Secretary for surface transportation, and (B) the need for revision of such guidelines and requirements to ensure their continuing effectiveness;

(d) in consultation with State, local, and tribal government officials and the private sector, not later than 180 days after the date of this order, identify surface transportation modes, or components thereof, that are subject to high risk of terrorist attack, draft appropriate security guidelines or security requirements to mitigate such risks, and ensure that, prior to their issuance, draft security requirements are transmitted to the Office of Management and Budget for review in ac-