

**§ 1104. Immunity for reports of suspected terrorist activity or suspicious behavior and response**

**(a) Immunity for reports of suspected terrorist activity or suspicious behavior**

**(1) In general**

Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

**(2) False reports**

Paragraph (1) shall not apply to any report that the person knew to be false or was made with reckless disregard for the truth at the time that person made that report.

**(b) Immunity for response**

**(1) In general**

Any authorized official who observes, or receives a report of, covered activity and takes reasonable action in good faith to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. An authorized official as defined by subsection (d)(1)(A) not entitled to assert the defense of qualified immunity shall nevertheless be immune from civil liability under Federal, State, and local law if such authorized official takes reasonable action, in good faith, to respond to the reported activity.

**(2) Savings clause**

Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

**(c) Attorney fees and costs**

Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

**(d) Definitions**

In this section:

**(1) Authorized official**

The term “authorized official” means—

(A) any employee or agent of a passenger transportation system or other person with responsibilities relating to the security of such systems;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice with responsibilities relating to the security of passenger transportation systems; or

(C) any Federal, State, or local law enforcement officer.

**(2) Covered activity**

The term “covered activity” means any suspicious transaction, activity, or occurrence that involves, or is directed against, a passenger transportation system or vehicle or its

passengers indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to—

(A) a threat to a passenger transportation system or passenger safety or security; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18).

**(3) Passenger transportation**

The term “passenger transportation” means—

(A) public transportation, as defined in section 5302 of title 49;

(B) over-the-road bus transportation, as defined in subchapter IV, and school bus transportation;

(C) intercity passenger rail<sup>1</sup> transportation<sup>2</sup> as defined in section 24102 of title 49;

(D) the transportation of passengers onboard a passenger vessel<sup>2</sup> as defined in section 2101 of title 46;

(E) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(F) air transportation, as defined in section 40102 of title 49, of passengers.

**(4) Passenger transportation system**

The term “passenger transportation system” means an entity or entities organized to provide passenger transportation using vehicles, including the infrastructure used to provide such transportation.

**(5) Vehicle**

The term “vehicle” has the meaning given to that term in section 1992(16)<sup>3</sup> of title 18.

**(e) Effective date**

This section shall take effect on October 1, 2006, and shall apply to all activities and claims occurring on or after such date.

(Pub. L. 110-53, title XII, § 1206, Aug. 3, 2007, 121 Stat. 388.)

REFERENCES IN TEXT

Subchapter IV, referred to in subsec. (d)(3)(B), was in the original “title XV of this Act”, meaning title XV of Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 422, which is classified principally to subchapter IV (§ 1151 et seq.) of this chapter. For complete classification of title XV to the Code, see References in Text note set out under section 1151 of this title and Tables.

SUBCHAPTER II—TRANSPORTATION  
SECURITY ENHANCEMENTS

**§ 1111. Definitions**

For purposes of this subchapter, the following terms apply:

**(1) Appropriate congressional committees**

The term “appropriate congressional committees” means the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the

<sup>1</sup> So in original. Probably should be “intercity rail passenger”.

<sup>2</sup> So in original. Probably should be followed by a comma.

<sup>3</sup> So in original. Probably should be section “1992(d)(16)”.

Committee on Transportation and Infrastructure of the House of Representatives.

**(2) Department**

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

**(3) Secretary**

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

**(4) State**

The term “State” means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

**(5) Terrorism**

The term “terrorism” has the meaning that term has in section 101 of this title.

**(6) United States**

The term “United States” means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(Pub. L. 110-53, title XIII, § 1301, Aug. 3, 2007, 121 Stat. 389.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title XIII of Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 389, which enacted this subchapter and amended section 70105 of Title 46, Shipping, and sections 114 and 46301 of Title 49, Transportation. For complete classification of title XIII to the Code, see Tables.

**§ 1112. Authorization of Visible Intermodal Prevention and Response teams**

**(a) In general**

The Secretary, acting through the Administrator of the Transportation Security Administration, may develop Visible Intermodal Prevention and Response (referred to in this section as “VIPR”) teams to augment the security of any mode of transportation at any location within the United States. In forming a VIPR team, the Secretary—

(1) may use any asset of the Department, including Federal air marshals, surface transportation security inspectors, canine detection teams, and advanced screening technology;

(2) may determine when a VIPR team shall be deployed, as well as the duration of the deployment;

(3) shall, prior to and during the deployment, consult with local security and law enforcement officials in the jurisdiction where the VIPR team is or will be deployed, to develop and agree upon the appropriate operational protocols and provide relevant information about the mission of the VIPR team, as appropriate; and

(4) shall, prior to and during the deployment, consult with all transportation entities directly affected by the deployment of a VIPR team, as appropriate, including railroad carriers, air carriers, airport owners, over-the-

road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, port operators and facility owners, vessel owners and operators and pipeline operators.

**(b) Authorization of appropriations**

There are authorized to be appropriated to the Secretary to carry out this section such sums as necessary for fiscal years 2007 through 2011.

(Pub. L. 110-53, title XIII, § 1303, Aug. 3, 2007, 121 Stat. 392.)

**§ 1113. Surface transportation security inspectors**

**(a) In general**

The Secretary, acting through the Administrator of the Transportation Security Administration, is authorized to train, employ, and utilize surface transportation security inspectors.

**(b) Mission**

The Secretary shall use surface transportation security inspectors to assist surface transportation carriers, operators, owners, entities, and facilities to enhance their security against terrorist attack and other security threats and to assist the Secretary in enforcing applicable surface transportation security regulations and directives.

**(c) Authorities**

Surface transportation security inspectors employed pursuant to this section shall be authorized such powers and delegated such responsibilities as the Secretary determines appropriate, subject to subsection (e).

**(d) Requirements**

The Secretary shall require that surface transportation security inspectors have relevant transportation experience and other security and inspection qualifications, as determined appropriate.

**(e) Limitations**

**(1) Inspectors**

Surface transportation inspectors shall be prohibited from issuing fines to public transportation agencies, as defined in subchapter III, for violations of the Department’s regulations or orders except through the process described in paragraph (2).

**(2) Civil penalties**

The Secretary shall be prohibited from assessing civil penalties against public transportation agencies, as defined in subchapter III, for violations of the Department’s regulations or orders, except in accordance with the following:

(A) In the case of a public transportation agency that is found to be in violation of a regulation or order issued by the Secretary, the Secretary shall seek correction of the violation through a written notice to the public transportation agency and shall give the public transportation agency reasonable opportunity to correct the violation or propose an alternative means of compliance acceptable to the Secretary.

(B) If the public transportation agency does not correct the violation or propose an