

(D) \$900,000,000 for fiscal year 2010, except that not more than 20 percent of such funds may be used for operational costs under subsection (b)(2); and

(E) \$1,100,000,000 for fiscal year 2011, except that not more than 10 percent of such funds may be used for operational costs under subsection (b)(2).

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

(3) WAIVER.—The Secretary may waive the limitation on operational costs specified in subparagraphs (B) through (E) of paragraph (1) if the Secretary determines that such a waiver is required in the interest of national security, and if the Secretary provides a written justification to the appropriate congressional committees prior to any such action.

(4) EFFECTIVE DATE.—Funds provided for fiscal year 2007 transit security grants under Public Law 110–28 shall be allocated based on security assessments that are in existence as of August 3, 2007.

(Pub. L. 110–53, title XIV, §1406, Aug. 3, 2007, 121 Stat. 405.)

#### REFERENCES IN TEXT

Public Law 110–28, referred to in subsec. (m)(4), is Pub. L. 110–28, May 25, 2007, 121 Stat. 112, known as the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007. For complete classification of this Act to the Code, see Tables.

### § 1136. Security exercises

#### (a) In general

The Secretary shall establish a program for conducting security exercises for public transportation agencies for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism.

#### (b) Covered entities

Entities to be assessed under the program shall include—

- (1) Federal, State, and local agencies and tribal governments;
- (2) public transportation agencies;
- (3) governmental and nongovernmental emergency response providers and law enforcement personnel, including transit police; and
- (4) any other organization or entity that the Secretary determines appropriate.

#### (c) Requirements

The Secretary shall ensure that the program—

- (1) requires, for public transportation agencies which the Secretary deems appropriate, exercises to be conducted that are—

- (A) scaled and tailored to the needs of specific public transportation systems, and include taking into account the needs of the elderly and individuals with disabilities;
- (B) live;
- (C) coordinated with appropriate officials;
- (D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;

(E) inclusive, as appropriate, of frontline employees and managers; and

(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

(2) provides that exercises described in paragraph (1) will be—

(A) evaluated by the Secretary against clear and consistent performance measures;

(B) assessed by the Secretary to learn best practices, which shall be shared with appropriate Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad and transit police, and appropriate stakeholders; and

(C) followed by remedial action by covered entities in response to lessons learned;

(3) involves individuals in neighborhoods around the infrastructure of a public transportation system; and

(4) assists State, local, and tribal governments and public transportation agencies in designing, implementing, and evaluating exercises that conform to the requirements of paragraph (2).

#### (d) National Exercise Program

The Secretary shall ensure that the exercise program developed under subsection (a) is a component of the National Exercise Program established under section 748 of this title.

#### (e) Ferry system exemption

This section does not apply to any ferry system for which drills are required to be conducted pursuant to section 70103 of title 46.

(Pub. L. 110–53, title XIV, §1407, Aug. 3, 2007, 121 Stat. 408.)

### § 1137. Public transportation security training program

#### (a) In general

Not later than 90 days after August 3, 2007, the Secretary shall develop and issue detailed interim final regulations, and not later than 1 year after August 3, 2007, the Secretary shall develop and issue detailed final regulations, for a public transportation security training program to prepare public transportation employees, including frontline employees, for potential security threats and conditions.

#### (b) Consultation

The Secretary shall develop the interim final and final regulations under subsection (a) in consultation with—

- (1) appropriate law enforcement, fire service, security, and terrorism experts;
- (2) representatives of public transportation agencies; and
- (3) nonprofit employee labor organizations representing public transportation employees or emergency response personnel.

#### (c) Program elements

The interim final and final regulations developed under subsection (a) shall require security