

ments for covered individuals when conducting a security background check.

**(f) Rights and responsibilities**

Nothing in this section shall be construed to abridge a public transportation agency's or a contractor or subcontractor of a public transportation agency's rights or responsibilities to make adverse employment decisions permitted by other Federal, State, or local laws. Nothing in the section shall be construed to abridge rights and responsibilities of covered individuals, a public transportation agency, or a contractor or subcontractor of a public transportation agency under any other Federal, State, or local laws or collective bargaining agreement.

**(g) No preemption of Federal or State law**

Nothing in this section shall be construed to preempt a Federal, State, or local law that requires criminal history background checks, immigration status checks, or other background checks of covered individuals.

**(h) Statutory construction**

Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, including regulations issued pursuant to such section.

(Pub. L. 110-53, title XIV, §1414, Aug. 3, 2007, 121 Stat. 419.)

**§ 1144. Limitation on fines and civil penalties**

**(a) Inspectors**

Surface transportation inspectors shall be prohibited from issuing fines to public transportation agencies for violations of the Department's regulations or orders except through the process described in subsection (b).

**(b) Civil penalties**

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

(1) 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.

(2) If the public transportation agency does not correct the violation or propose an alternative means of compliance acceptable to the Secretary within a reasonable time period that is specified in the written notice, the Secretary may take any action authorized in section 114 of title 49.

**(c) Limitation on Secretary**

The Secretary shall not initiate civil enforcement actions for violations of administrative and procedural requirements pertaining to the application for and expenditure of funds awarded under transportation security grant programs under this subchapter.

(Pub. L. 110-53, title XIV, §1415, Aug. 3, 2007, 121 Stat. 422.)

SUBCHAPTER IV—SURFACE  
TRANSPORTATION SECURITY

PART A—GENERAL PROVISIONS

**§ 1151. Definitions**

In this subchapter, the following definitions apply:

**(1) Appropriate congressional committees**

The term “appropriate congressional committees” means the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

**(2) Secretary**

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

**(3) Department**

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

**(4) Over-the-road bus**

The term “over-the-road bus” means a bus characterized by an elevated passenger deck located over a baggage compartment.

**(5) Over-the-road bus frontline employees**

In this section,<sup>1</sup> the term “over-the-road bus frontline employees” means over-the-road bus drivers, security personnel, dispatchers, maintenance and maintenance support personnel, ticket agents, other terminal employees, and other employees of an over-the-road bus operator or terminal owner or operator that the Secretary determines should receive security training under this subchapter.

**(6) Railroad frontline employees**

In this section,<sup>1</sup> the term “railroad frontline employees” means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, and any other employees of railroad carriers that the Secretary determines should receive security training under this subchapter.

**(7) Railroad**

The term “railroad” has the meaning that term has in section 20102 of title 49.

**(8) Railroad carrier**

The term “railroad carrier” has the meaning that term has in section 20102 of title 49.

**(9) 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.

**(10) Terrorism**

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

<sup>1</sup> So in original. “In this section,” probably should not appear.