

mentation 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 accordance with Executive Order 12866 and draft security guidelines receive appropriate interagency review;

(e) develop, implement, and lead a process, in collaboration with other agencies, State, local, and tribal governments, and the private sector, as appropriate, to coordinate research, development, testing, and evaluation of technologies (including alternative uses for commercial off-the-shelf technologies and products) relating to the protection of surface transportation, including—

(i) determining product and technology needs to inform the requirements for and prioritization of research, development, testing, and evaluation, based on

the security guidelines and security requirements developed pursuant to subsection (c) of this section and evolving terrorist threats to the security of surface transportation;

(ii) collecting information on existing and planned research, development, testing, and evaluation efforts; and

(iii) not later than 180 days after the date of this order, consistent with section 313 of the Homeland Security Act of 2002, as amended (6 U.S.C. 193), establishing and making available to Federal, State, local, and tribal government entities, and private sector owners and operators of surface transportation systems, lists of available technologies and products relating to the protection of surface transportation; and

(f) use security grants authorized by law to assist in implementing security requirements and security guidelines issued pursuant to law and consistent with subsection (c) of this section.

SEC. 4. *Duties of Heads of Other Agencies.* Heads of agencies, as appropriate, shall provide such assistance and information as the Secretary may request to implement this order.

SEC. 5. *General Provisions.* This order:

(a) shall be implemented consistent with applicable law and the authorities of agencies, or heads of agencies, vested by law, and subject to the availability of appropriations;

(b) shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals; and

(c) is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

## § 1102. National Domestic Preparedness Consortium

### (a) In general

The Secretary is authorized to establish, operate, and maintain a National Domestic Preparedness Consortium within the Department.

### (b) Members

Members of the National Domestic Preparedness Consortium shall consist of—

(1) the Center for Domestic Preparedness;

(2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;

(3) the National Center for Biomedical Research and Training, Louisiana State University;

(4) the National Emergency Response and Rescue Training Center, Texas A&M University;

(5) the National Exercise, Test, and Training Center, Nevada Test Site;

(6) the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and

(7) the National Disaster Preparedness Training Center, University of Hawaii.

### (c) Duties

The National Domestic Preparedness Consortium shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers, provide on-site and mobile training at the performance and management and planning levels, and facilitate the delivery of training by the training partners of the Department.

**(d) Authorization of appropriations**

There are authorized to be appropriated to the Secretary—

(1) for the Center for Domestic Preparedness—

- (A) \$57,000,000 for fiscal year 2008;
- (B) \$60,000,000 for fiscal year 2009;
- (C) \$63,000,000 for fiscal year 2010; and
- (D) \$66,000,000 for fiscal year 2011; and

(2) for the National Energetic Materials Research and Testing Center, the National Center for Biomedical Research and Training, the National Emergency Response and Rescue Training Center, the National Exercise, Test, and Training Center, the Transportation Technology Center, Incorporated, and the National Disaster Preparedness Training Center each—

- (A) \$22,000,000 for fiscal year 2008;
- (B) \$23,000,000 for fiscal year 2009;
- (C) \$24,000,000 for fiscal year 2010; and
- (D) \$25,500,000 for fiscal year 2011.

**(e) Savings provision**

From the amounts appropriated pursuant to this section, the Secretary shall ensure that future amounts provided to each of the following entities are not less than the amounts provided to each such entity for participation in the Consortium in fiscal year 2007—

- (1) the Center for Domestic Preparedness;
- (2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;
- (3) the National Center for Biomedical Research and Training, Louisiana State University;
- (4) the National Emergency Response and Rescue Training Center, Texas A&M University; and
- (5) the National Exercise, Test, and Training Center, Nevada Test Site.

(Pub. L. 110-53, title XII, § 1204, Aug. 3, 2007, 121 Stat. 386.)

**§ 1103. National Transportation Security Center of Excellence****(a) Establishment**

The Secretary shall establish a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals.

**(b) Designation**

The Secretary shall select one of the institutions identified in subsection (c) as the lead institution responsible for coordinating the National Transportation Security Center of Excellence.

**(c) Member institutions****(1) Consortium**

The institution of higher education selected under subsection (b) shall execute agreements with the other institutions of higher education identified in this subsection and other institutions designated by the Secretary to develop a consortium to assist in accomplishing the goals of the Center.

**(2) Members**

The National Transportation Security Center of Excellence shall consist of—

- (A) Texas Southern University in Houston, Texas;
- (B) the National Transit Institute at Rutgers, The State University of New Jersey;
- (C) Tougaloo College;
- (D) the Connecticut Transportation Institute at the University of Connecticut;
- (E) the Homeland Security Management Institute, Long Island University;
- (F) the Mack-Blackwell National Rural Transportation Study Center at the University of Arkansas; and
- (G) any additional institutions or facilities designated by the Secretary.

**(3) Certain inclusions**

To the extent practicable, the Secretary shall ensure that an appropriate number of any additional consortium colleges or universities designated by the Secretary under this subsection are Historically Black Colleges and Universities, Hispanic Serving Institutions, and Indian Tribally Controlled Colleges and Universities.

**(d) Authorization of appropriations**

There are authorized to be appropriated to carry out this section—

- (1) \$18,000,000 for fiscal year 2008;
- (2) \$18,000,000 for fiscal year 2009;
- (3) \$18,000,000 for fiscal year 2010; and
- (4) \$18,000,000 for fiscal year 2011.

(Pub. L. 110-53, title XII, § 1205, Aug. 3, 2007, 121 Stat. 387.)

**§ 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