

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 on-board 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.)

**Editorial Notes**

**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 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.)

<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)”.

**Editorial Notes****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;

(4) shall, prior to and during the deployment, consult with all transportation entities directly affected by the deployment of a VIPR team as to specific locations and times within the facilities of such entities at which VIPR teams are to be deployed to maximize the effectiveness of such deployment, 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; and

(5) shall require, as appropriate based on risk, in the case of a VIPR team deployed to an airport, that the VIPR team conduct operations—

(A) in the sterile area and any other areas to which only individuals issued security credentials have unescorted access; and

(B) in nonsterile areas.

**(b) Performance measures**

Not later than 1 year after October 5, 2018, the Administrator shall develop and implement a system of qualitative performance measures and objectives by which to assess the roles, activities, and effectiveness of VIPR team operations on an ongoing basis, including a mechanism through which the transportation entities referred to in subsection (a)(4) may submit feedback on VIPR team operations involving their systems or facilities.

**(c) Plan**

Not later than 1 year after October 5, 2018, the Administrator shall develop and implement a plan for ensuring the interoperability of communications among VIPR team participants and between VIPR teams and any transportation entities with systems or facilities that are involved in VIPR team operations. Such plan shall include an analysis of the costs and resources required to carry out such plan.

(Pub. L. 110-53, title XIII, § 1303, Aug. 3, 2007, 121 Stat. 392; Pub. L. 114-190, title III, § 3601, July 15, 2016, 130 Stat. 664; Pub. L. 115-254, div. K, title I, §§ 1930(b), 1968(b), Oct. 5, 2018, 132 Stat. 3569, 3608.)

**Editorial Notes****AMENDMENTS**

2018—Subsec. (a)(4). Pub. L. 115-254, § 1968(b)(1), substituted “team as to specific locations and times within the facilities of such entities at which VIPR teams are to be deployed to maximize the effectiveness of such deployment,” for “team.”

Subsec. (b). Pub. L. 115-254, § 1968(b)(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “There are authorized to be appropriated to the Secretary to carry out this section such sums as necessary, including funds to develop not more than 60 VIPR teams, for fiscal years 2016 through 2018.”

Pub. L. 115-254, § 1930(b), which directed amendment of “section 1303(b) of the National Transit Systems Security Act of 2007 (6 U.S.C. 1112(b))” by substituting “such sums as necessary, including funds to develop at least 30, but not more than 60, VIPR teams, for fiscal years 2019 through 2021” for “to the extent appropriated, including funds to develop not more than 60 VIPR teams, for fiscal years 2016 through 2018”, could not be executed to this section, which is section 1303(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007, because the words to be substituted for did not appear.

Subsec. (c). Pub. L. 115-254, § 1968(b)(2), added subsec. (c).

2016—Subsec. (a)(5). Pub. L. 114-190, § 3601(1), added par. (5).

Subsec. (b). Pub. L. 114-190, § 3601(2), substituted “such sums as necessary, including funds to develop not more than 60 VIPR teams, for fiscal years 2016 through 2018” for “such sums as necessary for fiscal years 2007 through 2011”.

**Statutory Notes and Related Subsidiaries****VIPR TEAM STATISTICS**

Pub. L. 115-254, div. K, title I, § 1930(a), Oct. 5, 2018, 132 Stat. 3568, provided that:

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 5, 2018], and annually thereafter, the Administrator [of the Transportation Security Administration] shall notify the appropriate committees of Congress [Committees on Commerce, Science and Transportation and Homeland Security and Governmental Affairs of the Senate and Committee on Homeland Security of the House of Representatives] of the number of VIPR teams available for deployment at transportation facilities, including—

“(A) the number of VIPR team operations that include explosive detection canine teams; and

“(B) the distribution of VIPR team operations deployed across different modes of transportation.

“(2) ANNEX.—The notification under paragraph (1) may contain a classified annex.

“(3) DEFINITION OF VIPR TEAM.—In this subsection, the term ‘VIPR’ means a Visible Intermodal Prevention and Response team authorized under section 1303 of the