

**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.)

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## 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

National Transit Systems Security Act of 2007 [probably means section 1303 of the Implementing Recommendations of the 9/11 Commission Act of 2007] (6 U.S.C. 1112).”

[For definition of “explosive detection canine teams” as used in section 1930(a) of Pub. L. 115–254, set out above, see section 1902 of Pub. L. 115–254, set out as a note under section 101 of Title 49, Transportation.]

### **§ 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 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.

#### **(3) 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 Act.

#### **(f) Number of inspectors**

The Secretary shall employ up to a total of—

- (1) 100 surface transportation security inspectors in fiscal year 2007;
- (2) 150 surface transportation security inspectors in fiscal year 2008;
- (3) 175 surface transportation security inspectors in fiscal year 2009; and
- (4) 200 surface transportation security inspectors in fiscal years 2010 and 2011.

#### **(g) Coordination**

The Secretary shall ensure that the mission of the surface transportation security inspectors is consistent with any relevant risk assessments required by this Act or completed by the Department, the modal plans required under section 114(t)<sup>1</sup> of title 49, the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004, and any and all subsequent annexes to this Memorandum of Understanding, and other relevant documents setting forth the Department’s transportation security strategy, as appropriate.

#### **(h) Consultation**

The Secretary shall periodically consult with the surface transportation entities which are or may be inspected by the surface transportation security inspectors, including, as appropriate, railroad carriers, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, and pipeline operators on—

- (1) the inspectors’ duties, responsibilities, authorities, and mission; and
- (2) strategies to improve transportation security and to ensure compliance with transportation security requirements.

#### **(i) Report**

Not later than September 30, 2008, the Department of Homeland Security Inspector General shall transmit a report to the appropriate congressional committees on the performance and effectiveness of surface transportation security inspectors, whether there is a need for additional inspectors, and other recommendations.

#### **(j) Authorization of appropriations**

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

- (1) \$11,400,000 for fiscal year 2007;
- (2) \$17,100,000 for fiscal year 2008;
- (3) \$19,950,000 for fiscal year 2009;
- (4) \$22,800,000 for fiscal year 2010; and
- (5) \$22,800,000 for fiscal year 2011.

(Pub. L. 110–53, title XIII, §1304, Aug. 3, 2007, 121 Stat. 393.)

<sup>1</sup> See References in Text note below.