

(3) prioritize training officers from law enforcement agencies that are eligible for or receive grants under sections¹ 2003 or¹ 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and¹ 605) and officers employed by railroad carriers that operate passenger service, including interstate passenger service.

(c) Report

If the Secretary of Homeland Security develops the training program described in subsection (a), not later than one year after the date on which the Secretary first implements the program, and annually thereafter during each year the Secretary carries out the program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the program. Each such report shall include, for the year covered by the report—

- (1) a description of the curriculum for the training and any changes to such curriculum;
- (2) an identification of any contracts entered into for the development or provision of training under the program;
- (3) information on the law enforcement agencies the personnel of which received the training, and for each such agency, the number of participants; and
- (4) a description of the measures used to ensure the program was carried out to provide for protections of privacy rights, civil rights, and civil liberties.

(d) Definitions

In this section:

- (1) The term “public and private sector stakeholders” has the meaning given such term in section 114(t)(1)(c)² of title 49.
- (2) The term “surface transportation asset” includes facilities, equipment, or systems used to provide transportation services by—
 - (A) a public transportation agency (as such term is defined in section 1131(5) of this title);
 - (B) a railroad carrier (as such term is defined in section 20102(3) of title 49);
 - (C) an owner or operator of—
 - (i) an entity offering scheduled, fixed-route transportation services by over-the-road bus (as such term is defined in section 1151(4) of this title); or
 - (ii) a bus terminal; or
 - (D) other transportation facilities, equipment, or systems, as determined by the Secretary.
- (3) The term “targeted violence” means an incident of violence in which an attacker selected a particular target in order to inflict mass injury or death with no discernable political or ideological motivation beyond mass injury or death.
- (4) The term “terrorism” means the terms—
 - (A) domestic terrorism (as such term is defined in section 2331(5) of title 18); and
 - (B) international terrorism (as such term is defined in section 2331(1) of title 18).

¹ So in original.

² So in original. Probably should be “114(t)(1)(C)”.

(Pub. L. 117–81, div. F, title LXIV, § 6419, Dec. 27, 2021, 135 Stat. 2417.)

Editorial Notes

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2022, and not as part of the National Transit Systems Security Act of 2007 which comprises this subchapter.

§ 1138. Public transportation research and development

(a) Establishment of research and development program

The Secretary shall carry out a research and development program through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Transportation Security Administration and with the Federal Transit Administration, for the purpose of improving the security of public transportation systems.

(b) Grants and contracts authorized

The Secretary shall award grants or contracts to public or private entities to conduct research and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

(c) Use of funds

Grants or contracts awarded under subsection (a)—

- (1) shall be coordinated with activities of the Homeland Security Advanced Research Projects Agency; and
- (2) may be used to—
 - (A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;
 - (B) research imaging technologies;
 - (C) conduct product evaluations and testing;
 - (D) improve security and redundancy for critical communications, electrical power, and computer and train control systems;
 - (E) develop technologies for securing tunnels, transit bridges and aerial structures;
 - (F) research technologies that mitigate damages in the event of a cyber attack; and
 - (G) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.

(d) Privacy and civil rights and civil liberties issues

(1) Consultation

In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, as appropriate, and in accordance with section 142 of this title.

(2) Privacy impact assessments

In accordance with sections 142 and 345 of this title, the Chief Privacy Officer shall con-

duct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section.

(e) Reporting requirement

Each entity that is awarded a grant or contract under this section shall report annually to the Department on the use of grant or contract funds received under this section to ensure that the awards made are expended in accordance with the purposes of this subchapter and the priorities developed by the Secretary.

(f) Coordination

The Secretary shall ensure that the research is consistent with the priorities established in the National Strategy for Public Transportation Security and is coordinated, to the extent practicable, with other Federal, State, local, tribal, and private sector public transportation, railroad, commuter railroad, and over-the-road bus research initiatives to leverage resources and avoid unnecessary duplicative efforts.

(g) Return of misspent grant or contract funds

If the Secretary determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (c), the grantee or contractor shall return any amount so used to the Treasury of the United States.

(h) Authorization of appropriations

There are authorized to be appropriated to the Secretary to make grants under this section—

- (1) such sums as necessary for fiscal year 2007;
- (2) \$25,000,000 for fiscal year 2008;
- (3) \$25,000,000 for fiscal year 2009;
- (4) \$25,000,000 for fiscal year 2010; and
- (5) \$25,000,000 for fiscal year 2011.

(Pub. L. 110-53, title XIV, §1409, Aug. 3, 2007, 121 Stat. 411.)

§ 1139. Information sharing

(a) Intelligence sharing

The Secretary shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing and Analysis Center

(1) Authorization

The Secretary shall provide for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the “ISAC”).

(2) Participation

The Secretary—

(A) shall require public transportation agencies that the Secretary determines to be at high risk of terrorist attack to participate in the ISAC;

(B) shall encourage all other public transportation agencies to participate in the ISAC;

(C) shall encourage the participation of nonprofit employee labor organizations rep-

resenting public transportation employees, as appropriate; and

(D) shall not charge a fee for participating in the ISAC.

(c) Report

The Comptroller General shall report, not less than 3 years after August 3, 2007, to the appropriate congressional committees, as to the value and efficacy of the ISAC along with any other public transportation information-sharing programs ongoing at the Department. The report shall include an analysis of the user satisfaction of public transportation agencies on the state of information-sharing and the value that each system provides the user, the costs and benefits of all centers and programs, the coordination among centers and programs, how each center or program contributes to implementing the information sharing plan under section 1203,¹ and analysis of the extent to which the ISAC is duplicative with the Department's information-sharing program.

(d) Authorization

(1) In general

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

- (A) \$600,000 for fiscal year 2008;
- (B) \$600,000 for fiscal year 2009;
- (C) \$600,000 for fiscal year 2010; and
- (D) such sums as may be necessary for 2011, provided the report required in subsection (c) of this section has been submitted to Congress.

(2) Availability of funds

Such sums shall remain available until expended.

(Pub. L. 110-53, title XIV, §1410, Aug. 3, 2007, 121 Stat. 412.)

Editorial Notes

REFERENCES IN TEXT

Section 1203, referred to in subsec. (c), is section 1203 of title XII of Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 383, which amended section 114 of Title 49, Transportation, and enacted provisions set out as a note under section 114 of Title 49.

§ 1140. Threat assessments

Not later than 1 year after August 3, 2007, the Secretary shall complete a name-based security background check against the consolidated terrorist watchlist and an immigration status check for all public transportation frontline employees, similar to the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG-2006-24189 (71 Fed. Reg. 25066 (April 8, 2006)).

(Pub. L. 110-53, title XIV, §1411, Aug. 3, 2007, 121 Stat. 413.)

§ 1141. Reporting requirements

(a) Annual report to Congress

(1) In general

Not later than March 31 of each year, the Secretary shall submit a report, containing

¹ See References in Text note below.