

(c) Department of Homeland Security responsibilities

In carrying out the responsibilities under subsection (a), the Secretary shall—

- (1) determine the requirements for recipients of grants;
- (2) establish priorities for uses of funds for grant recipients;
- (3) award the funds authorized by this section based on risk, as identified by the plans required under sections 1161 and 1162 of this title, or assessment or plan described in subsection (a)(5);
- (4) take into account whether stations or facilities are used by commuter railroad passengers as well as intercity railroad passengers in reviewing grant applications;
- (5) encourage non-Federal financial participation in projects funded by grants; and
- (6) not later than 5 business days after awarding a grant to Amtrak under this section, transfer grant funds to the Secretary of Transportation to be disbursed to Amtrak.

(d) Multiyear awards

Grant funds awarded under this section may be awarded for projects that span multiple years.

(e) Limitation on uses of funds

A grant made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.

(f) Annual reports

Each recipient of a grant under this section shall report annually to the Secretary on the use of grant funds.

(g) Non-Federal match study

Not later than 240 days after August 3, 2007, the Secretary shall provide a report to the appropriate congressional committees on the feasibility and appropriateness of requiring a non-Federal match for grants awarded to freight railroad carriers and other private entities under this section.

(h) Subject to certain standards

A recipient of a grant under this section and sections 1164 and 1165 of this title shall be required to comply with the standards of section 24312 of title 49, as in effect on January 1, 2007, with respect to the project in the same manner as Amtrak is required to comply with such standards for construction work financed under an agreement made under section 24308(a) of that title.

(i) Authorization of appropriations

(1) In general

Out of funds appropriated pursuant to section 114(w)¹ of title 49, there shall be made available to the Secretary to carry out this section—

- (A) \$300,000,000 for fiscal year 2008;
- (B) \$300,000,000 for fiscal year 2009;
- (C) \$300,000,000 for fiscal year 2010; and
- (D) \$300,000,000 for fiscal year 2011.

¹ See References in Text note below.

(2) Period of availability

Sums appropriated to carry out this section shall remain available until expended.

(Pub. L. 110-53, title XV, §1513, Aug. 3, 2007, 121 Stat. 433; Pub. L. 115-254, div. K, title I, §1973(a), Oct. 5, 2018, 132 Stat. 3614.)

Editorial Notes

REFERENCES IN TEXT

Section 114(w) of title 49, referred to in subsec. (i)(1), was redesignated section 114(v) of title 49 by Pub. L. 115-254, div. K, §1904(b)(1)(I), Oct. 5, 2018, 132 Stat. 3545.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-254, §1973(a)(1), substituted “, including communications interoperability where appropriate with relevant outside agencies and entities.” for period at end.

Subsec. (b)(5). Pub. L. 115-254, §1973(a)(2), substituted “security and preparedness of” for “security of”.

Subsec. (b)(7). Pub. L. 115-254, §1973(a)(3), substituted “security threats and preparedness, including connectivity to the National Terrorist Screening Center” for “security threats”.

Subsec. (b)(9). Pub. L. 115-254, §1973(a)(4), substituted “, security, and preparedness officers” for “and security officers”.

§ 1164. Systemwide Amtrak security upgrades

(a) In general

(1) Grants

Subject to subsection (b), the Secretary, in consultation with the Administrator of the Transportation Security Administration, is authorized to make grants to Amtrak in accordance with the provisions of this section.

(2) General purposes

The Secretary may make such grants for the purposes of—

- (A) protecting underwater and underground assets and systems;
- (B) protecting high-risk and high-consequence assets identified through system-wide risk assessments;
- (C) providing counterterrorism or security training;
- (D) providing both visible and unpredictable deterrence; and
- (E) conducting emergency preparedness drills and exercises.

(3) Specific projects

The Secretary shall make such grants—

- (A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;
- (B) to secure Amtrak trains;
- (C) to secure Amtrak stations;
- (D) to obtain a watchlist identification system approved by the Secretary, or to connect to the National Terrorism Screening Center watchlist;
- (E) to obtain train tracking and interoperable communications systems that are coordinated with Federal, State, and local agencies and tribal governments to the maximum extent possible;
- (F) to hire, train, and employ police and security officers, including canine units, assigned to full-time security or

counterterrorism duties related to railroad transportation;

(G) for operating and capital costs associated with security awareness, preparedness, and response training, including training under section 1167 of this title, and training developed by universities, institutions of higher education, and nonprofit employee labor organizations, for railroad employees, including frontline employees;

(H) for live or simulated exercises, including exercises described in section 1166 of this title;

(I) for improvements to passenger verification systems;

(J) for improvements to employee and contractor verification systems, including identity verification technology; or

(K) for improvements to the security of Amtrak computer systems, including cybersecurity assessments and programs.

(b) Conditions

The Secretary shall award grants to Amtrak under this section for projects contained in a systemwide security plan approved by the Secretary developed pursuant to section 1162 of this title. Not later than 5 business days after awarding a grant to Amtrak under this section, the Secretary shall transfer the grant funds to the Secretary of Transportation to be disbursed to Amtrak.

(c) Equitable geographic allocation

The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 1161 of this title and Amtrak's vulnerability assessment and security plan developed under section 1162 of this title, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) Availability of funds

(1) In general

Out of funds appropriated pursuant to section 114(w)¹ of title 49, there shall be made available to the Secretary and the Administrator of the Transportation Security Administration to carry out this section—

- (A) \$150,000,000 for fiscal year 2008;
- (B) \$150,000,000 for fiscal year 2009;
- (C) \$175,000,000 for fiscal year 2010; and
- (D) \$175,000,000 for fiscal year 2011.

(2) Availability of appropriated funds

Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

(Pub. L. 110-53, title XV, §1514, Aug. 3, 2007, 121 Stat. 435; Pub. L. 115-254, div. K, title I, §1973(b), Oct. 5, 2018, 132 Stat. 3614.)

Editorial Notes

REFERENCES IN TEXT

Section 114(w) of title 49, referred to in subsec. (d)(1), was redesignated section 114(v) of title 49 by Pub. L. 115-254, div. K, §1904(b)(1)(I), Oct. 5, 2018, 132 Stat. 3545.

¹ See References in Text note below.

AMENDMENTS

2018—Subsec. (a)(3)(D). Pub. L. 115-254, §1973(b)(1), inserted “, or to connect to the National Terrorism Screening Center watchlist” after “Secretary”.

Subsec. (a)(3)(I) to (K). Pub. L. 115-254, §1973(b)(2)–(4), added subpars. (I) to (K).

Statutory Notes and Related Subsidiaries

PASSENGER RAIL VETTING

Pub. L. 115-254, div. K, title I, §1974, Oct. 5, 2018, 132 Stat. 3615, provided that:

“(a) IN GENERAL.—Not later than 180 days after the date on which the Amtrak Board of Directors submits a request to the Administrator [of the Transportation Security Administration], the Administrator shall issue a decision on the use by Amtrak of the Transportation Security Administration's Secure Flight Program or a similar passenger vetting system to enhance passenger rail security.

“(b) CONSIDERATIONS.—In making a decision under subsection (a), the Administrator shall—

“(1) consider the technological, privacy, operational, and security impacts of such a decision; and

“(2) describe such impacts in any strategic plan developed under subsection (c).

“(c) STRATEGIC PLAN.—If the Administrator decides to grant the request by Amtrak under subsection (a), the decision shall include a strategic plan for working with rail stakeholders to enhance passenger rail security by—

“(1) vetting passengers using terrorist watch lists maintained by the Federal Government or a similar passenger vetting system maintained by the Transportation Security Administration; and

“(2) where applicable and in consultation with the Commissioner of U.S. Customs and Border Protection, assessing whether the vetting process should be integrated into preclearance operations established under section 813 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4432).

“(d) NOTICES.—The Administrator 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 any decision made under subsection (a) and the details of the strategic plan under subsection (c).

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the Administrator's authority to set the access to, or terms and conditions of using, the Secure Flight Program or a similar passenger vetting system.”

§ 1165. Fire and life safety improvements

(a) Life-safety needs

There are authorized to be appropriated to the Secretary of Transportation for making grants to Amtrak for the purpose of carrying out projects to make fire and life safety improvements to Amtrak tunnels on the Northeast Corridor the following amounts:

(1) For the 6 New York and New Jersey tunnels to provide ventilation, electrical, and fire safety technology improvements, emergency communication and lighting systems, and emergency access and egress for passengers—

- (A) \$25,000,000 for fiscal year 2008;
- (B) \$30,000,000 for fiscal year 2009;
- (C) \$45,000,000 for fiscal year 2010; and
- (D) \$60,000,000 for fiscal year 2011.

(2) For the Baltimore Potomac Tunnel and the Union Tunnel, together, to provide adequate drainage and ventilation, communica-