

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 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 onboard 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

<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)”.