

Dec. 17, 2004, 118 Stat. 3638. For complete classification of this Act to the Code, see Tables.

The Implementing Recommendations of the 9/11 Commission Act of 2007, referred to in subsec. (b), is Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 266. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the TSA Modernization Act and also as part of the FAA Reauthorization Act of 2018, and not as part of the Implementing Recommendations of the 9/11 Commission Act of 2007 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “Administrator”, “appropriate committees of Congress”, “Department”, “Secretary”, and “TSA” as used in this section, see section 1902 of Pub. L. 115-254, set out as a note under section 101 of Title 49, Transportation.

§ 1119. Voluntary use of credentialing

(a) In general

An applicable individual who is subject to credentialing or a background investigation may satisfy that requirement by obtaining a valid transportation security card.

(b) Issuance of cards

The Secretary of Homeland Security—

(1) shall expand the transportation security card program, consistent with section 70105 of title 46, to allow an applicable individual who is subject to credentialing or a background investigation to apply for a transportation security card; and

(2) may charge reasonable fees, in accordance with section 469(a) of this title, for providing the necessary credentialing and background investigation.

(c) Vetting

The Administrator shall develop and implement a plan to utilize, in addition to any background check required for initial issue, the Federal Bureau of Investigation’s Rap Back Service and other vetting tools as appropriate, including the No-Fly and Selectee lists, to get immediate notification of any criminal activity relating to any person with a valid transportation security card.

(d) Definitions

In this section:

(1) Applicable individual who is subject to credentialing or a background investigation

The term “applicable individual who is subject to credentialing or a background investigation” means only an individual who—

(A) because of employment is regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard and is required to have a background records check to obtain a hazardous materials endorsement on a commercial driver’s license issued by a State under section 5103a of title 49; or

(B) is required to have a credential and background records check under section

622(d)(2)¹ of this title at a facility with activities that are regulated by the Transportation Security Administration, Department of Transportation, or Coast Guard.

(2) Valid transportation security card

The term “valid transportation security card” means a transportation security card that is—

- (A) issued under section 70105 of title 46;
- (B) not expired;
- (C) shows² no signs of tampering; and
- (D) bears² a photograph of the individual representing such card.

(Pub. L. 115-254, div. K, title I, § 1977, Oct. 5, 2018, 132 Stat. 3617.)

Editorial Notes

REFERENCES IN TEXT

Section 622 of this title, referred to in subsec. (d)(1)(B), was omitted from the Code.

CODIFICATION

Section was enacted as part of the TSA Modernization Act and also as part of the FAA Reauthorization Act of 2018, and not as part of the Implementing Recommendations of the 9/11 Commission Act of 2007 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION

For definition of “Administrator” as used in this section, see section 1902 of Pub. L. 115-254, set out as a note under section 101 of Title 49, Transportation.

SUBCHAPTER III—PUBLIC TRANSPORTATION SECURITY

§ 1131. Definitions

For purposes of this subchapter, the following terms apply:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means 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) Disadvantaged businesses concerns

The term “disadvantaged business concerns” means small businesses that are owned and controlled by socially and economically disadvantaged individuals as defined in section¹ 124, title 13, Code of Federal Regulations.

(4) Frontline employee

The term “frontline employee” means an employee of a public transportation agency who is a transit vehicle driver or operator, dis-

¹ See References in Text note below.

² So in original.

¹ So in original. Probably should be “part”.

patcher, maintenance and maintenance support employee, station attendant, customer service employee, security employee, or transit police, or any other employee who has direct contact with riders on a regular basis, and any other employee of a public transportation agency that the Secretary determines should receive security training under section 1137 of this title.

(5) Public transportation agency

The term “public transportation agency” means a publicly owned operator of public transportation eligible to receive Federal assistance under chapter 53 of title 49.

(6) Secretary

The term “Secretary” means the Secretary of Homeland Security.

(Pub. L. 110-53, title XIV, §1402, Aug. 3, 2007, 121 Stat. 400.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of this subchapter as the “National Transit Systems Security Act of 2007”, see section 1401 of Pub. L. 110-53, set out as a note under section 1101 of this title.

§ 1132. Findings

Congress finds that—

- (1) 182 public transportation systems throughout the world have been primary targets of terrorist attacks;
- (2) more than 6,000 public transportation agencies operate in the United States;
- (3) people use public transportation vehicles 33,000,000 times each day;
- (4) the Federal Transit Administration has invested \$93,800,000,000 since 1992 for construction and improvements;
- (5) the Federal investment in transit security has been insufficient; and
- (6) greater Federal investment in transit security improvements per passenger boarding is necessary to better protect the American people, given transit’s vital importance in creating mobility and promoting our Nation’s economy.

(Pub. L. 110-53, title XIV, §1403, Aug. 3, 2007, 121 Stat. 401.)

§ 1133. National Strategy for Public Transportation Security

(a) National Strategy

Not later than 9 months after August 3, 2007, and based upon the previous and ongoing security assessments conducted by the Department and the Department of Transportation, the Secretary, consistent with and as required by section 114(t)¹ of title 49, shall develop and implement the modal plan for public transportation, entitled the “National Strategy for Public Transportation Security”.

(b) Purpose

(1) Guidelines

In developing the National Strategy for Public Transportation Security, the Secretary

shall establish guidelines for public transportation security that—

- (A) minimize security threats to public transportation systems; and
- (B) maximize the abilities of public transportation systems to mitigate damage resulting from terrorist attack or other major incident.

(2) Assessments and consultations

In developing the National Strategy for Public Transportation Security, the Secretary shall—

- (A) use established and ongoing public transportation security assessments as the basis of the National Strategy for Public Transportation Security; and
- (B) consult with all relevant stakeholders, including public transportation agencies, nonprofit labor organizations representing public transportation employees, emergency responders, public safety officials, and other relevant parties.

(c) Contents

In the National Strategy for Public Transportation Security, the Secretary shall describe prioritized goals, objectives, policies, actions, and schedules to improve the security of public transportation.

(d) Responsibilities

The Secretary shall include in the National Strategy for Public Transportation Security a description of the roles, responsibilities, and authorities of Federal, State, and local agencies, tribal governments, and appropriate stakeholders. The plan shall also include—

- (1) the identification of, and a plan to address, gaps and unnecessary overlaps in the roles, responsibilities, and authorities of Federal agencies; and
- (2) a process for coordinating existing or future security strategies and plans for public transportation, including the National Infrastructure Protection Plan required by Homeland Security Presidential Directive-7; Executive Order No. 13416: Strengthening Surface Transportation Security dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities dated September 28, 2004; and subsequent annexes and agreements.

(e) Adequacy of existing plans and strategies

In developing the National Strategy for Public Transportation Security, the Secretary shall use relevant existing risk assessments and strategies developed by the Department or other Federal agencies, including those developed or implemented pursuant to section 114(t)¹ of title 49 or Homeland Security Presidential Directive-7.

(f) Funding

There is authorized to be appropriated to the Secretary to carry out this section \$2,000,000 for fiscal year 2008.

(Pub. L. 110-53, title XIV, §1404, Aug. 3, 2007, 121 Stat. 401.)

¹ See References in Text note below.