

**(13) Security-sensitive material**

The term “security-sensitive material” means a material, or a group or class of material, in a particular amount and form that the Secretary, in consultation with the Secretary of Transportation, determines, through a rule-making with opportunity for public comment, poses a significant risk to national security while being transported in commerce due to the potential use of the material in an act of terrorism. In making such a designation, the Secretary shall, at a minimum, consider the following:

- (A) Class 7 radioactive materials.
- (B) Division 1.1, 1.2, or 1.3 explosives.
- (C) Materials poisonous or toxic by inhalation, including Division 2.3 gases and Division 6.1 materials.
- (D) A select agent or toxin regulated by the Centers for Disease Control and Prevention under part 73 of title 42, Code of Federal Regulations.

**(14) Disadvantaged business concerns**

The term “disadvantaged business concerns” means small businesses that are owned and controlled by socially and economically disadvantaged individuals as defined in section 124.<sup>2</sup> of title 13, Code of Federal Regulations.

**(15) Amtrak**

The term “Amtrak” means the National Railroad Passenger Corporation.

(Pub. L. 110-53, title XV, §1501, Aug. 3, 2007, 121 Stat. 422.)

**Editorial Notes****REFERENCES IN TEXT**

This subchapter, referred to in text, was in the original “this title”, meaning title XV of Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 422, which enacted this subchapter, amended section 1992 of Title 18, Crimes and Criminal Procedure, and sections 114, 5103a, 14504, 20106, 20109, 24301, 28101, and 31105 of Title 49, Transportation, enacted provisions set out as notes under sections 13908 and 14504 of Title 49, and amended provisions set out as a note under section 14504 of Title 49. For complete classification of title XV to the Code, see Tables.

**§ 1152. Oversight and grant procedures****(a) Secretarial oversight**

The Secretary, in coordination with<sup>1</sup> Secretary of Transportation for grants awarded to Amtrak, shall establish necessary procedures, including monitoring and audits, to ensure that grants made under this subchapter are expended in accordance with the purposes of this subchapter and the priorities and other criteria developed by the Secretary.

**(b) Additional audits and reviews**

The Secretary, and the Secretary of Transportation for grants awarded to Amtrak, may award contracts to undertake additional audits and reviews of the safety, security, procurement, management, and financial compliance of a recipient of amounts under this subchapter.

**(c) Procedures for grant award**

Not later than 180 days after August 3, 2007, the Secretary shall prescribe procedures and

schedules for the awarding of grants under this subchapter, including application and qualification procedures, and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107(i) and (j) of title 46.

**(d) Additional authority****(1) Issuance**

The Secretary may issue non-binding letters of intent to recipients of a grant under this subchapter, to commit funding from future budget authority of an amount, not more than the Federal Government’s share of the project’s cost, for a capital improvement project.

**(2) Schedule**

The letter of intent under this subsection shall establish a schedule under which the Secretary will reimburse the recipient for the Government’s share of the project’s costs, as amounts become available, if the recipient, after the Secretary issues that letter, carries out the project without receiving amounts under a grant issued under this subchapter.

**(3) Notice to Secretary**

A recipient that has been issued a letter of intent under this section shall notify the Secretary of the recipient’s intent to carry out a project before the project begins.

**(4) Notice to Congress**

The Secretary shall transmit to the appropriate congressional committees a written notification at least 5 days before the issuance of a letter of intent under this subsection.

**(5) Limitations**

A letter of intent issued under this subsection is not an obligation of the Federal Government under section 1501 of title 31, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

**(e) Return of misspent grant funds**

As part of the grant agreement under subsection (c), the Secretary shall require grant applicants to return any misspent grant funds received under this subchapter that the Secretary considers to have been spent for a purpose other than those specified in the grant award. The Secretary shall take all necessary actions to recover such funds.

**(f) Congressional notification**

Not later than 5 days before the award of any grant is made under this subchapter, the Secretary shall notify the appropriate congressional committees of the intent to award such grant.

**(g) Guidelines**

The Secretary shall ensure, to the extent practicable, that grant recipients under this subchapter who use contractors or subcontractors

<sup>2</sup> So in original. Probably should be “part 124.”

<sup>1</sup> So in original. The word “the” probably should appear.

use small, minority, women-owned, or disadvantaged business concerns as contractors or sub-contractors when appropriate.

(Pub. L. 110-53, title XV, §1502, Aug. 3, 2007, 121 Stat. 424.)

#### Editorial Notes

##### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title XV of Pub. L. 110-53, which is classified principally to this subchapter. For complete classification of title XV to the Code, see References in Text note under section 1151 of this title and Tables.

#### § 1153. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Transportation to carry out section 1165 of this title—

- (1) \$38,000,000 for fiscal year 2008;
- (2) \$40,000,000 for fiscal year 2009;
- (3) \$55,000,000 for fiscal year 2010; and
- (4) \$70,000,000 for fiscal year 2011.

(Pub. L. 110-53, title XV, §1503(b), Aug. 3, 2007, 121 Stat. 425.)

#### § 1154. Public awareness

Not later than 180 days after August 3, 2007, the Secretary shall develop a national plan for railroad and over-the-road bus security public outreach and awareness. Such a plan shall be designed to increase awareness of measures that the general public, passengers, and employees of railroad carriers and over-the-road bus operators can take to increase the security of the national railroad and over-the-road bus transportation systems. Such a plan shall also provide outreach to railroad carriers and over-the-road bus operators and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve security. Not later than 9 months after August 3, 2007, the Secretary shall implement the plan developed under this section.

(Pub. L. 110-53, title XV, §1504, Aug. 3, 2007, 121 Stat. 425.)

#### § 1155. Security awareness program

##### (a) Establishment

The Administrator shall establish a program to promote surface transportation security through the training of surface transportation operators and frontline employees on each of the skills identified in subsection (c).

##### (b) Application

The program established under subsection (a) shall apply to all modes of surface transportation, including public transportation, rail, highway, motor carrier, and pipeline.

##### (c) Training

The program established under subsection (a) shall cover, at a minimum, the skills necessary to recognize, assess, and respond to suspicious items or actions that could indicate a threat to transportation.

#### (d) Assessment

##### (1) In general

The Administrator shall conduct an assessment of current training programs for surface transportation operators and frontline employees.

##### (2) Contents

The assessment shall identify—

- (A) whether other training is being provided, either voluntarily or in response to other Federal requirements; and
- (B) whether there are any gaps in existing training.

#### (e) Updates

The Administrator shall ensure the program established under subsection (a) is updated as necessary to address changes in risk and terrorist methods and to close any gaps identified in the assessment under subsection (d).

#### (f) Suspicious activity reporting

##### (1) In general

The Secretary shall maintain a national telephone number for an individual to use to report suspicious activity under this section to the Administration.

##### (2) Procedures

The Administrator shall establish procedures for the Administration—

- (A) to review and follow-up, as necessary, on each report received under paragraph (1); and
- (B) to share, as necessary and in accordance with law, the report with appropriate Federal, State, local, and tribal entities.

##### (3) Rule of construction

Nothing in this section may be construed to—

- (A) replace or affect in any way the use of 9-1-1 services in an emergency; or
- (B) replace or affect in any way the security training program requirements specified in sections 1137, 1167, and 1184 of this title.

#### (g) Definition of frontline employee

In this section, the term “frontline employee” includes—

- (1) an employee of a public transportation agency who is a transit vehicle driver or operator, dispatcher, 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 Administrator determines should receive security training under this section or that is receiving security training under other law;
- (2) over-the-road bus drivers, security personnel, dispatchers, maintenance and maintenance support personnel, ticket agents, other terminal employees, and other employees of an over-the-road bus operator or terminal owner or operator that the Administrator determines should receive security training under this section or that is receiving security training under other law; or