

(11) Overtime reimbursement, including reimbursement of State, local, and tribal governments for costs, for enhanced security personnel assigned to duties related to over-the-road bus security during periods of high or severe threat levels, National Special Security Events, or other periods of heightened security as determined by the Secretary.

(12) Live or simulated exercises, including those described in section 1183 of this title.

(13) Operational costs to hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to over-the-road bus transportation, including reimbursement of State, local, and tribal government costs for such personnel.

(14) Development of assessments or security plans under section 1181 of this title.

(15) Such other improvements as the Secretary considers appropriate.

(c) Due consideration

In making grants under this section, the Secretary shall prioritize grant funding based on security risks to bus passengers and the ability of a project to reduce, or enhance response to, that risk, and shall not penalize private operators of over-the-road buses that have taken measures to enhance over-the-road bus transportation security prior to September 11, 2001.

(d) Department of Homeland Security responsibilities

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

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) select grant recipients;

(3) award the funds authorized by this section based on risk, as identified by the plans required under section 1181 of this title or assessment or plan described in subsection (f)(2); and

(4) pursuant to subsection (c), establish priorities for the use of funds for grant recipients.

(e) Distribution of grants

Not later than 90 days after August 3, 2007, the Secretary and the Secretary of Transportation shall determine the most effective and efficient way to distribute grant funds to the recipients of grants determined by the Secretary under subsection (a). Subject to the determination made by the Secretaries, the Secretary may transfer funds to the Secretary of Transportation for the purposes of disbursing funds to the grant recipient.

(f) Eligibility

(1) A private operator providing transportation by an over-the-road bus is eligible for a grant under this section if the operator has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 1181 of this title. Grant funds may only be used for permissible uses under subsection (b) to further an over-the-road bus security plan.

(2) Notwithstanding the requirements for eligibility and uses in paragraph (1), prior to the

earlier of 1 year after the date of issuance of final regulations requiring vulnerability assessments and security plans under section 1181 of this title or 3 years after August 3, 2007, the Secretary may award grants under this section for over-the-road bus security improvements listed under subsection (b) based upon over-the-road bus vulnerability assessments and security plans that the Secretary deems are sufficient for the purposes of this section but have not been approved by the Secretary in accordance with section 1181 of this title.

(g) Subject to certain terms and conditions

Except as otherwise specifically provided in this section, a grant made under this section shall be subject to the terms and conditions applicable to subrecipients who provide over-the-road bus transportation under section 5311(f) of title 49 and such other terms and conditions as are determined necessary by the Secretary.

(h) 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.

(i) Annual reports

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

(j) Consultation

In carrying out this section, the Secretary shall consult with over-the-road bus operators and nonprofit employee labor organizations representing over-the-road bus employees, public safety and law enforcement officials.

(k) Authorization

(1) In general

From the amounts appropriated pursuant to section 114(w)¹ of title 49, there shall be made available to the Secretary to make grants under this section—

(A) \$12,000,000 for fiscal year 2008;

(B) \$25,000,000 for fiscal year 2009;

(C) \$25,000,000 for fiscal year 2010; and

(D) \$25,000,000 for fiscal year 2011.

(2) Period of availability

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

(Pub. L. 110-53, title XV, § 1532, Aug. 3, 2007, 121 Stat. 457.)

Editorial Notes

REFERENCES IN TEXT

Section 114(w) of title 49, referred to in subsec. (k)(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.

§ 1183. Over-the-road bus exercises

(a) In general

The Secretary shall establish a program for conducting security exercises for over-the-road bus transportation for the purpose of assessing and improving the capabilities of entities de-

¹ See References in Text note below.

scribed in subsection (b) to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism.

(b) Covered entities

Entities to be assessed under the program shall include—

- (1) Federal, State, and local agencies and tribal governments;
- (2) over-the-road bus operators and over-the-road bus terminal owners and operators;
- (3) governmental and nongovernmental emergency response providers and law enforcement agencies; and
- (4) any other organization or entity that the Secretary determines appropriate.

(c) Requirements

The Secretary shall ensure that the program—

- (1) consolidates existing security exercises for over-the-road bus operators and terminals administered by the Department and the Department of Transportation, as jointly determined by the Secretary and the Secretary of Transportation, unless the Secretary waives this consolidation requirement, as appropriate;
 - (2) consists of exercises that are—
 - (A) scaled and tailored to the needs of the over-the-road bus operators and terminals, including addressing the needs of the elderly and individuals with disabilities;
 - (B) live, in the case of the most at-risk facilities to a terrorist attack;
 - (C) coordinated with appropriate officials;
 - (D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;
 - (E) inclusive, as appropriate, of over-the-road bus frontline employees; and
 - (F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;
 - (3) provides that exercises described in paragraph (2) will be—
 - (A) evaluated by the Secretary against clear and consistent performance measures;
 - (B) assessed by the Secretary to identify best practices, which shall be shared, as appropriate, with operators providing over-the-road bus transportation, nonprofit employee organizations that represent over-the-road bus employees, Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, and law enforcement personnel; and
 - (C) used to develop recommendations, as appropriate, provided to over-the-road bus operators and terminal owners and operators on remedial action to be taken in response to lessons learned;
 - (4) allows for proper advanced notification of communities and local governments in which exercises are held, as appropriate; and
 - (5) assists State, local, and tribal governments and over-the-road bus operators and terminal owners and operators in designing, implementing, and evaluating additional exer-

cises that conform to the requirements of paragraph (2).

(d) National Exercise Program

The Secretary shall ensure that the exercise program developed under subsection (c) is consistent with the National Exercise Program established under section 748 of this title.

(Pub. L. 110-53, title XV, §1533, Aug. 3, 2007, 121 Stat. 460.)

§ 1184. Over-the-road bus security training program

(a) In general

Not later than 6 months after August 3, 2007, the Secretary shall develop and issue regulations for an over-the-road bus training program to prepare over-the-road bus frontline employees for potential security threats and conditions. The regulations shall take into consideration any current security training requirements or best practices.

(b) Consultation

The Secretary shall develop regulations under subsection (a) in consultation with—

- (1) appropriate law enforcement, fire service, emergency response, security, and terrorism experts;
- (2) operators providing over-the-road bus transportation; and
- (3) nonprofit employee labor organizations representing over-the-road bus employees and emergency response personnel.

(c) Program elements

The regulations developed under subsection (a) shall require security training programs, to include, at a minimum, elements to address the following, as applicable:

- (1) Determination of the seriousness of any occurrence or threat.
- (2) Driver and passenger communication and coordination.
- (3) Appropriate responses to defend or protect oneself.
- (4) Use of personal and other protective equipment.
- (5) Evacuation procedures for passengers and over-the-road bus employees, including individuals with disabilities and the elderly.
- (6) Psychology, behavior, and methods of terrorists, including observation and analysis.
- (7) Training related to psychological responses to terrorist incidents, including the ability to cope with hijacker behavior and passenger responses.
- (8) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.
- (9) Recognition and reporting of dangerous substances, suspicious packages, and situations.
- (10) Understanding security incident procedures, including procedures for communicating with emergency response providers and for on-scene interaction with such emergency response providers.
- (11) Operation and maintenance of security equipment and systems.
- (12) Other security training activities that the Secretary considers appropriate.