by other Federal, State, or local laws. Nothing in the section shall be construed to abridge rights and responsibilities of covered individuals, a public transportation agency, or a contractor or subcontractor of a public transportation agency under any other Federal, State, or local laws or collective bargaining agreement.

(g) No preemption of Federal or State law

Nothing in this section shall be construed to preempt a Federal, State, or local law that requires criminal history background checks, immigration status checks, or other background checks of covered individuals.

(h) Statutory construction

Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, including regulations issued pursuant to such section.

(Pub. L. 110–53, title XIV, § 1414, Aug. 3, 2007, 121 Stat. 419.)

§ 1144. Limitation on fines and civil penalties

(a) Inspectors

Surface transportation inspectors shall be prohibited from issuing fines to public transportation agencies for violations of the Department's regulations or orders except through the process described in subsection (b).

(b) Civil penalties

The Secretary shall be prohibited from assessing civil penalties against public transportation agencies for violations of the Department's regulations or orders, except in accordance with the following:

(1) In the case of a public transportation agency that is found to be in violation of a regulation or order issued by the Secretary, the Secretary shall seek correction of the violation through a written notice to the public transportation agency and shall give the public transportation agency reasonable opportunity to correct the violation or propose an alternative means of compliance acceptable to the Secretary.

(2) If the public transportation agency does not correct the violation or propose an alternative means of compliance acceptable to the Secretary within a reasonable time period that is specified in the written notice, the Secretary may take any action authorized in section 114 of title 49.

(c) Limitation on Secretary

The Secretary shall not initiate civil enforcement actions for violations of administrative and procedural requirements pertaining to the application for and expenditure of funds awarded under transportation security grant programs under this subchapter.

(Pub. L. 110–53, title XIV, § 1415, Aug. 3, 2007, 121 Stat. 422.)

SUBCHAPTER IV—SURFACE TRANSPORTATION SECURITY

PART A—GENERAL PROVISIONS

§ 1151. Definitions

In this subchapter, the following definitions apply:

(1) Appropriate congressional committees

The term ''appropriate congressional committees'' means the Committee on Commerce, Science, and Transportation 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) Secretary

The term ''Secretary'' means the Secretary of Homeland Security.

(3) Department

The term ''Department'' means the Department of Homeland Security.

(4) Over-the-road bus

The term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.

(5) Over-the-road bus frontline employees

In this section,[1] the term ''over-the-road bus frontline employees'' means 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 Secretary determines should receive security training under this subchapter.

(6) Railroad frontline employees

In this section,[1] the term ''railroad frontline employees'' means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, and any other employees of railroad carriers that the Secretary determines should receive security training under this subchapter.

(7) Railroad

The term ''railroad'' has the meaning that term has in section 20102 of title 49.

(8) Railroad carrier

The term ''railroad carrier'' has the meaning that term has in section 20102 of title 49.

(9) State

The term ''State'' means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) Terrorism

The term ''terrorism'' has the meaning that term has in section 101 of this title.

(11) Transportation

The term ''transportation'', as used with respect to an over-the-road bus, means the movement of passengers or property by an over-the-road bus—

(A) in the jurisdiction of the United States between a place in a State and a place outside the State (including a place outside the United States); or

[1] So in original. ''In this section,'' probably should not appear.

(B) in a State that affects trade, traffic, and transportation described in subparagraph (A).

(12) United States

The term ''United States'' means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(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 rulemaking 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,[2] 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.)

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[1] 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

[2] So in original. Probably should be ''part 124,''.

[1] So in original. The word ''the'' probably should appear.