

110TH CONGRESS
1ST SESSION

S. 1891

To provide limited immunity for reports of suspected terrorist activity or suspicious behavior and response.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2007

Mr. SALAZAR introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide limited immunity for reports of suspected terrorist activity or suspicious behavior and response.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. IMMUNITY FOR REPORTS OF SUSPECTED TER-**
4 **RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR**
5 **AND RESPONSE.**

6 (a) IMMUNITY FOR REPORTS OF SUSPECTED TER-
7 RORIST ACTIVITY OR SUSPICIOUS BEHAVIOR.—

8 (1) IN GENERAL.—Any person, who, in good
9 faith and based on objectively reasonable suspicion,
10 makes, or causes to be made, a voluntary report

1 based of covered activity to an authorized official
2 shall be immune from civil liability under any Fed-
3 eral, State, or local law for such report.

4 (2) FALSE REPORTS.—Paragraph (1) shall not
5 apply to any report that the person knew to be false
6 or was made with reckless disregard for the truth at
7 the time that person made the report.

8 (b) IMMUNITY FOR RESPONSE.—

9 (1) IN GENERAL.—

10 (A) IMMUNITY.—Any authorized official
11 who observes, or receives a report of, covered
12 activity and takes reasonable action in good
13 faith to respond to such activity shall have
14 qualified immunity from civil liability for such
15 action, consistent with applicable law in the rel-
16 evant jurisdiction.

17 (B) ADDITIONAL IMMUNITY.—An author-
18 ized official described in subsection (d)(1)(A)
19 not entitled to assert the defense of qualified
20 immunity shall be immune from civil liability
21 under Federal, State, and local law if such au-
22 thorized official takes reasonable action, in good
23 faith, to respond to the reported activity.

24 (2) SAVINGS CLAUSE.—Nothing in this sub-
25 section shall—

1 (A) affect the ability of any authorized of-
2 ficial to assert any defense, privilege, or immu-
3 nity that would otherwise be available; and

4 (B) be construed as affecting any such de-
5 fense.

6 (c) ATTORNEY FEES AND COSTS.—Any person or au-
7 thorized official found to be immune from civil liability
8 under this section shall be entitled to recover from the
9 plaintiff all reasonable costs and attorney fees.

10 (d) DEFINITIONS.—In this section:

11 (1) AUTHORIZED OFFICIAL.—The term “au-
12 thorized official” means—

13 (A) any employee or agent of a passenger
14 transportation system or other person with re-
15 sponsibilities relating to the security of such
16 systems;

17 (B) any officer, employee, or agent of the
18 Department of Homeland Security, the Depart-
19 ment of Transportation, or the Department of
20 Justice with responsibilities relating to the se-
21 curity of passenger transportation systems; or

22 (C) any Federal, State, or local law en-
23 forcement officer.

24 (2) COVERED ACTIVITY.—The term “covered
25 activity” means any suspicious transaction, activity,

1 or occurrence that involves, or is directed against, a
2 passenger transportation system or vehicle or its
3 passengers indicating that an individual may be en-
4 gaging, or preparing to engage, in a violation of law
5 relating to—

6 (A) a threat to a passenger transportation
7 system or passenger safety or security; or

8 (B) an act of terrorism (as that term is de-
9 fined in section 3077 of title 18, United States
10 Code).

11 (3) PASSENGER TRANSPORTATION.—The term
12 “passenger transportation” means—

13 (A) public transportation, as defined in
14 section 5302 of title 49, United States Code;

15 (B) over-the-road bus transportation and
16 school bus transportation;

17 (C) intercity passenger rail transportation
18 as defined in section 24102 of title 49, United
19 States Code;

20 (D) the transportation of passenger vessel
21 as defined in section 2101 of title 46, United
22 States Code;

23 (E) other regularly scheduled waterborne
24 transportation service of passengers by vessel of
25 at least 20 gross tons; and

1 (F) air transportation, as defined in sec-
2 tion 40102 of title 49, United States Code, of
3 passengers.

4 (4) PASSENGER TRANSPORTATION SYSTEM.—
5 The term “passenger transportation system” means
6 an entity or entities organized to provide passenger
7 transportation using vehicles, including the infra-
8 structure used to provide such transportation.

9 (5) VEHICLE.—The term “vehicle” has the
10 meaning given to that term in section 1992(16) of
11 title 18, United States Code.

12 (6) EFFECTIVE DATE.—This section shall take
13 effect immediately upon the date of enactment of
14 this Act, and shall apply to all activities and claims
15 occurring on or after such date.

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