

***In the Senate of the United States,***

*September 14, 2006.*

*Resolved*, That the bill from the House of Representatives (H.R. 4954) entitled “An Act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the “Port*

3 *Security Improvement Act of 2006”.*

1           (b) *TABLE OF CONTENTS.—The table of contents for*  
 2 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

*TITLE I—SECURITY OF UNITED STATES SEAPORTS*

*Subtitle A—General Provisions*

*Sec. 101. Area Maritime Transportation Security Plan to include salvage response plan.*

*Sec. 102. Requirements relating to maritime facility security plans.*

*Sec. 103. Unannounced inspections of maritime facilities.*

*Sec. 104. Transportation security card.*

*Sec. 105. Prohibition of issuance of transportation security cards to convicted felons.*

*Sec. 106. Long-range vessel tracking.*

*Sec. 107. Establishment of interagency operational centers for port security.*

*Sec. 108. Notice of Arrival for foreign vessels on the outer Continental Shelf.*

*Subtitle B—Port Security Grants; Training and Exercise Programs*

*Sec. 111. Port Security Grants.*

*Sec. 112. Port Security Training Program.*

*Sec. 113. Port Security Exercise Program.*

*Subtitle C—Port Operations*

*Sec. 121. Domestic radiation detection and imaging.*

*Sec. 122. Port Security user fee study.*

*Sec. 123. Inspection of car ferries entering from Canada.*

*Sec. 124. Random searches of containers.*

*Sec. 125. Work stoppages and employee-employer disputes.*

*Sec. 126. Threat assessment screening of port truck drivers.*

*TITLE II—SECURITY OF THE INTERNATIONAL SUPPLY CHAIN*

*Subtitle A—General Provisions*

*Sec. 201. Strategic plan to enhance the security of the international supply chain.*

*Sec. 202. Post incident resumption of trade.*

*Sec. 203. Automated Targeting System.*

*Sec. 204. Container security standards and procedures.*

*Sec. 205. Container Security Initiative.*

*Subtitle B—Customs-Trade Partnership Against Terrorism*

*Sec. 211. Establishment.*

*Sec. 212. Eligible entities.*

*Sec. 213. Minimum requirements.*

*Sec. 214. Tier 1 participants in C-TPAT.*

*Sec. 215. Tier 2 participants in C-TPAT.*

*Sec. 216. Tier 3 participants in C-TPAT.*

*Sec. 217. Consequences for lack of compliance.*

*Sec. 218. Revalidation.*

- Sec. 219. Noncontainerized cargo.*
- Sec. 220. C-TPAT Program management.*
- Sec. 221. Resource management staffing plan.*
- Sec. 222. Additional personnel.*
- Sec. 223. Authorization of appropriations.*
- Sec. 224. Report to Congress.*

*Subtitle C—Miscellaneous Provisions*

- Sec. 231. Pilot integrated scanning system.*
- Sec. 232. International cooperation and coordination.*
- Sec. 233. Screening and scanning of cargo containers.*
- Sec. 234. International Ship and Port Facility Security Code.*
- Sec. 235. Cargo screening.*

*TITLE III—ADMINISTRATION*

- Sec. 301. Office of Cargo Security Policy.*
- Sec. 302. Reauthorization of Homeland Security Science and Technology Advisory Committee.*
- Sec. 303. Research, development, test, and evaluation efforts in furtherance of maritime and cargo security.*
- Sec. 304. Cobra fees.*
- Sec. 305. Establishment of competitive research program.*

*TITLE IV—AGENCY RESOURCES AND OVERSIGHT*

- Sec. 401. Office of International Trade.*
- Sec. 402. Resources.*
- Sec. 403. Negotiations.*
- Sec. 404. International Trade Data System.*
- Sec. 405. In-bond cargo.*
- Sec. 406. Sense of the Senate.*
- Sec. 407. Foreign ownership of ports.*

*TITLE V—RAIL SECURITY ACT OF 2006*

- Sec. 501. Short title.*
- Sec. 502. Rail transportation security risk assessment.*
- Sec. 503. Rail security.*
- Sec. 504. Study of foreign rail transport security programs.*
- Sec. 505. Passenger, baggage, and cargo screening.*
- Sec. 506. Certain personnel limitations not to apply.*
- Sec. 507. Fire and life-safety improvements.*
- Sec. 508. Memorandum of agreement.*
- Sec. 509. Amtrak plan to assist families of passengers involved in rail passenger accidents.*
- Sec. 510. Systemwide Amtrak security upgrades.*
- Sec. 511. Freight and passenger rail security upgrades.*
- Sec. 512. Oversight and grant procedures.*
- Sec. 513. Rail security research and development.*
- Sec. 514. Welded rail and tank car safety improvements.*
- Sec. 515. Northern border rail passenger report.*
- Sec. 516. Report regarding impact on security of train travel in communities without grade separation.*
- Sec. 517. Whistleblower protection program.*
- Sec. 518. Rail worker security training program.*

- Sec. 519. High hazard material security threat mitigation plans.*  
*Sec. 520. Public awareness.*  
*Sec. 521. Railroad high hazard material tracking.*

*TITLE VI—NATIONAL ALERT SYSTEM*

- Sec. 601. Short title.*  
*Sec. 602. National Alert System.*  
*Sec. 603. Implementation and use.*  
*Sec. 604. Coordination with existing public alert systems and authority.*  
*Sec. 605. National Alert Office.*  
*Sec. 606. National Alert System Working Group.*  
*Sec. 607. Research and development.*  
*Sec. 608. Grant program for remote community alert systems.*  
*Sec. 609. Public familiarization, outreach, and response instructions.*  
*Sec. 610. Essential services disaster assistance.*  
*Sec. 611. Definitions.*  
*Sec. 612. Savings clause.*  
*Sec. 613. Funding.*

*TITLE VII—MASS TRANSIT SECURITY*

- Sec. 701. Short title.*  
*Sec. 702. Findings.*  
*Sec. 703. Security assessments.*  
*Sec. 704. Security assistance grants.*  
*Sec. 705. Intelligence sharing.*  
*Sec. 706. Research, development, and demonstration grants and contracts.*  
*Sec. 707. Reporting requirements.*  
*Sec. 708. Authorization of appropriations.*  
*Sec. 709. Sunset provision.*

*TITLE VIII—DOMESTIC NUCLEAR DETECTION OFFICE*

- Sec. 801. Establishment of Domestic Nuclear Detection Office.*  
*Sec. 802. Technology research and development investment strategy for nuclear and radiological detection.*

*TITLE IX—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY*

- Sec. 901. Short title.*  
*Sec. 902. Hazardous materials highway routing.*  
*Sec. 903. Motor carrier high hazard material tracking.*  
*Sec. 904. Hazardous materials security inspections and enforcement.*  
*Sec. 905. Truck security assessment.*  
*Sec. 906. National public sector response system.*  
*Sec. 907. Over-the-road bus security assistance.*  
*Sec. 908. Pipeline security and incident recovery plan.*  
*Sec. 909. Pipeline security inspections and enforcement.*  
*Sec. 910. Technical corrections.*

*TITLE X—IP-ENABLED VOICE COMMUNICATIONS AND PUBLIC SAFETY*

- Sec. 1001. Short title.*  
*Sec. 1002. Emergency service.*

- Sec. 1003. *Enforcement.*  
 Sec. 1004. *Migration to IP-enabled emergency network.*  
 Sec. 1005. *Definitions.*

*TITLE XI—OTHER MATTERS*

- Sec. 1101. *Certain TSA personnel limitations not to apply.*  
 Sec. 1102. *Rural Policing Institute.*  
 Sec. 1103. *Evacuation in emergencies.*  
 Sec. 1104. *Protection of health and safety during disasters.*  
 Sec. 1105. *Pilot Program to extend certain commercial operations.*  
 Sec. 1106. *Security plan for Essential Air Service airports.*  
 Sec. 1107. *Disclosures regarding homeland security grants.*  
 Sec. 1108. *Inclusion of the Transportation Technology Center in the National Domestic Preparedness Consortium.*  
 Sec. 1109. *Trucking security.*  
 Sec. 1110. *Extension of requirement for air carriers to honor tickets for suspended air passenger service.*  
 Sec. 1111. *Man-Portable Air Defense Systems.*  
 Sec. 1112. *Air and Marine Operations of the Northern Border Air Wing.*  
 Sec. 1113. *Study to identify redundant background records checks.*  
 Sec. 1114. *Phase-out of vessels supporting oil and gas development.*  
 Sec. 1115. *Coast Guard property in Portland, Maine.*  
 Sec. 1116. *Methamphetamine and methamphetamine precursor chemicals.*  
 Sec. 1117. *Aircraft charter customer and lessee prescreening program.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
 4 *TEES.—Except as otherwise defined, the term “appro-*  
 5 *propriate congressional committees” means—*

6 (A) *the Committee on Appropriations of the*  
 7 *Senate;*

8 (B) *the Committee on Commerce, Science,*  
 9 *and Transportation of the Senate;*

10 (C) *the Committee on Finance of the Sen-*  
 11 *ate;*

12 (D) *the Committee on Homeland Security*  
 13 *and Governmental Affairs of the Senate;*

1           (E) the Committee on Appropriations of the  
2           House of Representatives;

3           (F) the Committee on Homeland Security of  
4           the House of Representatives;

5           (G) the Committee on Transportation and  
6           Infrastructure of the House of Representatives;  
7           and

8           (H) the Committee on Ways and Means of  
9           the House of Representatives.

10          (2) *COMMERCIAL SEAPORT PERSONNEL.*—The  
11          term “commercial seaport personnel” means any per-  
12          son engaged in an activity relating to the loading or  
13          unloading of cargo, the movement or tracking of  
14          cargo, the maintenance and repair of intermodal  
15          equipment, the operation of cargo-related equipment  
16          (whether or not integral to the vessel), and the han-  
17          dling of mooring lines on the dock when a vessel is  
18          made fast or let go, in the United States or the coast-  
19          al waters of the United States.

20          (3) *COMMISSIONER.*—The term “Commissioner”  
21          means the Commissioner responsible for the United  
22          States Customs and Border Protection in the Depart-  
23          ment of Homeland Security.

24          (4) *CONTAINER.*—The term “container” has the  
25          meaning given the term in the International Conven-

1 *tion for Safe Containers, with annexes, done at Gene-*  
2 *va, December 2, 1972 (29 UST 3707).*

3 (5) *CONTAINER SECURITY DEVICE.*—*The term*  
4 *“container security device” means a device, or system,*  
5 *designed, at a minimum, to identify positively a con-*  
6 *tainer, to detect and record the unauthorized intru-*  
7 *sion of a container, and to secure a container against*  
8 *tampering throughout the supply chain. Such a de-*  
9 *vice, or system, shall have a low false alarm rate as*  
10 *determined by the Secretary.*

11 (6) *DEPARTMENT.*—*The term “Department”*  
12 *means the Department of Homeland Security.*

13 (7) *EXAMINATION.*—*The term “examination”*  
14 *means an inspection of cargo to detect the presence of*  
15 *misdeclared, restricted, or prohibited items that uti-*  
16 *lizes nonintrusive imaging and detection technology.*

17 (8) *INSPECTION.*—*The term “inspection” means*  
18 *the comprehensive process used by the United States*  
19 *Customs and Border Protection to assess goods enter-*  
20 *ing the United States to appraise them for duty pur-*  
21 *poses, to detect the presence of restricted or prohibited*  
22 *items, and to ensure compliance with all applicable*  
23 *laws. The process may include screening, conducting*  
24 *an examination, or conducting a search.*

1           (9) *INTERNATIONAL SUPPLY CHAIN.*—*The term*  
2           *“international supply chain” means the end-to-end*  
3           *process for shipping goods to or from the United*  
4           *States from a point of origin (including manufac-*  
5           *turer, supplier, or vendor) through a point of dis-*  
6           *tribution.*

7           (10) *RADIATION DETECTION EQUIPMENT.*—*The*  
8           *term “radiation detection equipment” means any*  
9           *technology that is capable of detecting or identifying*  
10           *nuclear and radiological material or nuclear and ra-*  
11           *diological explosive devices.*

12           (11) *SCAN.*—*The term “scan” means utilizing*  
13           *nonintrusive imaging equipment, radiation detection*  
14           *equipment, or both, to capture data, including images*  
15           *of a container.*

16           (12) *SCREENING.*—*The term “screening” means*  
17           *a visual or automated review of information about*  
18           *goods, including manifest or entry documentation ac-*  
19           *companying a shipment being imported into the*  
20           *United States, to determine the presence of*  
21           *misdeclared, restricted, or prohibited items and assess*  
22           *the level of threat posed by such cargo.*

23           (13) *SEARCH.*—*The term “search” means an in-*  
24           *trusive examination in which a container is opened*  
25           *and its contents are devanned and visually inspected*



1       for the presence of misdeclared, restricted, or prohib-  
2       ited items.

3               (14) *SECRETARY*.—The term “Secretary” means  
4       the Secretary of Homeland Security.

5               (15) *TRANSPORTATION DISRUPTION*.—The term  
6       “transportation disruption” means any significant  
7       delay, interruption, or stoppage in the flow of trade  
8       caused by a natural disaster, heightened threat level,  
9       an act of terrorism, or any transportation security  
10      incident defined in section 70101(6) of title 46,  
11      United States Code.

12              (16) *TRANSPORTATION SECURITY INCIDENT*.—  
13      The term “transportation security incident” has the  
14      meaning given the term in section 70101(6) of title  
15      46, United States Code.

16      **TITLE I—SECURITY OF UNITED**  
17                                    **STATES SEAPORTS**

18                    **Subtitle A—General Provisions**

19      **SEC. 101. AREA MARITIME TRANSPORTATION SECURITY**  
20                                    **PLAN TO INCLUDE SALVAGE RESPONSE PLAN.**

21              Section 70103(b)(2) of title 46, United States Code, is  
22      amended—

23                    (1) in subparagraph (E), by striking “and” after  
24      the semicolon;

1           (2) by redesignating subparagraph (F) as sub-  
2           paragraph (G); and

3           (3) by inserting after subparagraph (E) the fol-  
4           lowing:

5           “(F) include a salvage response plan—

6           “(i) to identify salvage equipment capable  
7           of restoring operational trade capacity; and

8           “(ii) to ensure that the waterways are  
9           cleared and the flow of commerce through United  
10          States ports is reestablished as efficiently and  
11          quickly as possible after a maritime transpor-  
12          tation security incident; and”.

13 **SEC. 102. REQUIREMENTS RELATING TO MARITIME FACIL-**  
14 **ITY SECURITY PLANS.**

15          Section 70103(c) of title 46, United States Code, is  
16          amended—

17               (1) in paragraph (3)—

18               (A) in subparagraph (C)(ii), by striking  
19               “facility” and inserting “facility, including ac-  
20               cess by individuals engaged in the surface trans-  
21               portation of intermodal containers in or out of  
22               a port facility”;

23               (B) in subparagraph (E), by striking “de-  
24               scribe the” and inserting “provide a strategy  
25               and timeline for conducting”;



1           “(D) subject to the availability of appropri-  
2           tions, verify the effectiveness of each such facility se-  
3           curity plan periodically, but not less than twice an-  
4           nually, at least 1 of which shall be an inspection of  
5           the facility that is conducted without notice to the fa-  
6           cility.”.

7   **SEC. 104. TRANSPORTATION SECURITY CARD.**

8           (a) *IN GENERAL.*—Section 70105 of title 46, United  
9           States, Code is amended by adding at the end the following:

10          “(g) *APPLICATIONS FOR MERCHANT MARINER’S DOC-*  
11          *UMENTS.*—The Assistant Secretary of Homeland Security  
12          for the Transportation Security Administration and the  
13          Commandant of the Coast Guard shall concurrently process  
14          an application from an individual for merchant mariner’s  
15          documents under chapter 73 of title 46, United States Code,  
16          and an application from that individual for a transpor-  
17          tation security card under this section.

18          “(h) *FEEES.*—The Secretary shall ensure that the fees  
19          charged each individual obtaining a transportation secu-  
20          rity card under this section who has passed a background  
21          check under section 5103a of title 49, United States Code,  
22          and who has a current and valid hazardous materials en-  
23          dorsement in accordance with section 1572 of title 49, Code  
24          of Federal Regulations, and each individual with a current  
25          and valid Merchant Mariner Document—

1           “(1) are for costs associated with the issuance,  
2           production, and management of the transportation se-  
3           curity card, as determined by the Secretary; and

4           “(2) do not include costs associated with per-  
5           forming a background check for that individual, un-  
6           less the scope of said background checks diverge.

7           “(i) *IMPLEMENTATION SCHEDULE.*—In implementing  
8           the transportation security card program under this sec-  
9           tion, the Secretary shall—

10           “(1) conduct a strategic risk analysis and estab-  
11           lish a priority for each United States port based on  
12           risk; and

13           “(2) implement the program, based upon risk  
14           and other factors as determined by the Secretary, at  
15           all facilities regulated under this chapter at—

16           “(A) the 10 United States ports that are  
17           deemed top priority by the Secretary not later  
18           than July 1, 2007;

19           “(B) the 40 United States ports that are  
20           next in order of priority to the ports described  
21           in subparagraph (A) not later than January 1,  
22           2008; and

23           “(C) all other United States ports not later  
24           than January 1, 2009.

1           “(j) *TRANSPORTATION SECURITY CARD PROCESSING*  
2 *DEADLINE.*—*Not later than January 1, 2009, the Secretary*  
3 *shall process and issue or deny each application for a trans-*  
4 *portation security card under this section for individuals*  
5 *with current and valid merchant mariner’s documents on*  
6 *the date of enactment of the Port Security Improvement Act*  
7 *of 2006.*

8           “(k) *VESSEL AND FACILITY CARD READER ASSESS-*  
9 *MENTS.*—

10           “(1) *PILOT PROGRAMS.*—

11                   “(A) *VESSEL PILOT PROGRAM.*—*The Sec-*  
12 *retary shall conduct a pilot program in 3 dis-*  
13 *tinguish geographic locations to assess the feasibility*  
14 *of implementing card readers at secure areas of*  
15 *a vessel in accordance with the Notice of Pro-*  
16 *posed Rulemaking released on May 22, 2006,*  
17 *(TSA–2006–24191; USCG–2006–24196).*

18                   “(B) *FACILITIES PILOT PROGRAM.*—*In ad-*  
19 *dition to the pilot program described in subpara-*  
20 *graph (A), the Secretary shall conduct a pilot*  
21 *program in 3 distinct geographic locations to as-*  
22 *sess the feasibility of implementing card readers*  
23 *at secure areas of facilities in a variety of envi-*  
24 *ronmental settings.*

1                   “(C) *COORDINATION WITH TRANSPORTATION*  
2                   *SECURITY CARDS.*—*The pilot programs described*  
3                   *in subparagraphs (A) and (B) shall be conducted*  
4                   *concurrently with the issuance of the transpor-*  
5                   *tation security cards as described in subsection*  
6                   *(b), of this section, to ensure card and card read-*  
7                   *er interoperability.*

8                   “(2) *DURATION.*—*The pilot program described*  
9                   *in paragraph (1) shall commence not later than 180*  
10                  *days after the date of the enactment of the Port Secu-*  
11                  *rity Improvement Act of 2006 and shall terminate 1*  
12                  *year after commencement.*

13                  “(3) *REPORT.*—*Not later than 90 days after the*  
14                  *termination of the pilot program described under sub-*  
15                  *paragraph (1), the Secretary shall submit a com-*  
16                  *prehensive report to the appropriate congressional*  
17                  *committees (as defined in section 2(2) of the Home-*  
18                  *land Security Act of 2002 (6 U.S.C. 101(2)) that*  
19                  *includes—*

20                         “(A) *the actions that may be necessary to*  
21                         *ensure that all vessels and facilities to which this*  
22                         *section applies are able to comply with the regu-*  
23                         *lations promulgated under subsection (a);*

1           “(B) recommendations concerning fees and  
2           a statement of policy considerations for alter-  
3           native security plans; and

4           “(C) an analysis of the viability of equip-  
5           ment under the extreme weather conditions of the  
6           marine environment.

7           “(l) *PROGRESS REPORTS.*—Not later than 6 months  
8           after the date of the enactment of the Port Security Im-  
9           provement Act 2006 and every 6 months thereafter until  
10          the requirements under this section are fully implemented,  
11          the Secretary shall submit a report on progress being made  
12          in implementing such requirements to the appropriate con-  
13          gressional committees (as defined in section 2(2) of the  
14          Homeland Security Act of 2002 (6 U.S.C. 101(2)).”.

15          (b) *CLARIFICATION OF ELIGIBILITY FOR TRANSPOR-*  
16          *TATION SECURITY CARDS.*—Section 70105(b)(2) of title 46,  
17          United States Code, is amended—

18                 (1) by striking “and” after the semicolon in sub-  
19                 paragraph (E);

20                 (2) by striking “Secretary.” in subparagraph (F)  
21                 and inserting “Secretary; and”; and

22                 (3) by adding at the end the following:

23                         “(G) other individuals as determined ap-  
24                         propriate by the Secretary including individuals



1           employed at a port not otherwise covered by this  
2           subsection.”.

3           (c) **DEADLINE FOR SECTION 70105 REGULATIONS.**—  
4 *The Secretary shall promulgate final regulations imple-*  
5 *menting section 70105 of title 46, United States Code, no*  
6 *later than January 1, 2007. The regulations shall include*  
7 *a background check process to enable newly hired workers*  
8 *to begin working unless the Secretary makes an initial de-*  
9 *termination that the worker poses a security risk. Such*  
10 *process shall include a check against the consolidated and*  
11 *integrated terrorist watch list maintained by the Federal*  
12 *Government.*

13 **SEC. 105. PROHIBITION OF ISSUANCE OF TRANSPORTATION**  
14 **SECURITY CARDS TO CONVICTED FELONS.**

15           Section 70105 of title 46, United States Code, is  
16 amended—

17           (1) in subsection (b)(1), by striking “decides that  
18           the individual poses a security risk under subsection  
19           (c)” and inserting “determines under subsection (c)  
20           that the individual poses a security risk”; and

21           (2) in subsection (c), by amending paragraph  
22           (1) to read as follows:

23           “(1) **DISQUALIFICATIONS.**—

24           “(A) **PERMANENT DISQUALIFYING CRIMINAL**  
25           **OFFENSES.**—*Except as provided under para-*

1           *graph (2), an individual is permanently dis-*  
2           *qualified from being issued a transportation se-*  
3           *curity card under subsection (b) if the individual*  
4           *has been convicted, or found not guilty by reason*  
5           *of insanity, in a civilian or military jurisdiction*  
6           *of any of the following felonies:*

7                   “(i) *Espionage or conspiracy to com-*  
8                   *mit espionage.*

9                   “(ii) *Sedition or conspiracy to commit*  
10                  *sedition.*

11                  “(iii) *Treason or conspiracy to commit*  
12                  *treason.*

13                  “(iv) *A crime listed in chapter 113B of*  
14                  *title 18, a comparable State law, or con-*  
15                  *spiracy to commit such crime.*

16                  “(v) *A crime involving a transpor-*  
17                  *tation security incident. In this clause, a*  
18                  *transportation security incident—*

19                           “(I) *is a security incident result-*  
20                           *ing in a significant loss of life, envi-*  
21                           *ronmental damage, transportation sys-*  
22                           *tem disruption, or economic disruption*  
23                           *in a particular area (as defined in sec-*  
24                           *tion 70101 of title 46); and*

1                   “(II) does not include a work  
2                   stoppage or other nonviolent employee-  
3                   related action, resulting from an em-  
4                   ployer-employee dispute.

5                   “(vi) Improper transportation of a  
6                   hazardous material under section 5124 of  
7                   title 49, or a comparable State law;

8                   “(vii) Unlawful possession, use, sale,  
9                   distribution, manufacture, purchase, re-  
10                  ceipt, transfer, shipping, transporting, im-  
11                  port, export, storage of, or dealing in an ex-  
12                  plosive or incendiary device (as defined in  
13                  section 232(5) of title 18, explosive mate-  
14                  rials (as defined in section 841(c) of title  
15                  18), or a destructive device (as defined in  
16                  921(a)(4) of title 18).

17                  “(viii) Murder.

18                  “(ix) Conspiracy or attempt to commit  
19                  any of the crimes described in clauses (v)  
20                  through (viii).

21                  “(x) A violation of the Racketeer Influ-  
22                  enced and Corrupt Organizations Act (18  
23                  U.S.C. 1961 et seq.), or a comparable State  
24                  law, if 1 of the predicate acts found by a  
25                  jury or admitted by the defendant consists

1                   of 1 of the offenses listed in clauses (iv) and  
2                   (viii).

3                   “(xi) Any other felony that the Sec-  
4                   retary determines to be a permanently dis-  
5                   qualifying criminal offense.

6                   “(B) INTERIM DISQUALIFYING CRIMINAL OF-  
7                   FENSES.—Except as provided under paragraph  
8                   (2), an individual is disqualified from being  
9                   issued a biometric transportation security card  
10                  under subsection (b) if the individual has been  
11                  convicted, or found not guilty by reason of in-  
12                  sanity, during the 7-year period ending on the  
13                  date on which the individual applies for such or  
14                  card, or was released from incarceration during  
15                  the 5-year period ending on the date on which  
16                  the individual applies for such a card, of any of  
17                  the following felonies:

18                         “(i) Assault with intent to murder.

19                         “(ii) Kidnapping or hostage taking.

20                         “(iii) Rape or aggravated sexual abuse.

21                         “(iv) Unlawful possession, use, sale,  
22                         manufacture, purchase, distribution, re-  
23                         ceipt, transfer, shipping, transporting, de-  
24                         livery, import, export of, or dealing in a  
25                         firearm or other weapon. In this clause, a

1 *firearm or other weapon includes, but is not*  
2 *limited to—*

3 *“(I) firearms (as defined in sec-*  
4 *tion 921(a)(3) of title 18); and*

5 *“(II) items contained on the*  
6 *United States Munitions Import List*  
7 *under 447.21 of title 27 Code of Fed-*  
8 *eral Regulations.*

9 *“(v) Extortion.*

10 *“(vi) Dishonesty, fraud, or misrepre-*  
11 *sentation, including identity fraud.*

12 *“(vii) Bribery.*

13 *“(viii) Smuggling.*

14 *“(ix) Immigration violations.*

15 *“(x) A violation of the Racketeer Influ-*  
16 *enced and Corrupt Organizations Act (18*  
17 *U.S.C. 1961, et seq.) or a comparable State*  
18 *law, other than a violation listed in sub-*  
19 *paragraph (A)(x).*

20 *“(xi) Robbery.*

21 *“(xii) Distribution of, possession with*  
22 *intent to distribute, or importation of a*  
23 *controlled substance.*

24 *“(xiii) Arson.*

1           “(xiv) Conspiracy or attempt to com-  
2           mit any of the crimes in this subparagraph.

3           “(xv) Any other felony that the Sec-  
4           retary determines to be a disqualifying  
5           criminal offense under this subparagraph.

6           “(C) OTHER POTENTIAL DISQUALIFICA-  
7           TIONS.—Except as provided under subpara-  
8           graphs (A) and (B), an individual may not be  
9           denied a transportation security card under sub-  
10          section (b) unless the Secretary determines that  
11          individual—

12           “(i) has been convicted within the pre-  
13          ceding 7-year period of a felony or found  
14          not guilty by reason of insanity of a  
15          felony—

16           “(I) that the Secretary believes  
17          could cause the individual to be a ter-  
18          rorism security risk to the United  
19          States; or

20           “(II) for causing a severe trans-  
21          portation security incident;

22           “(ii) has been released from incarcer-  
23          ation within the preceding 5-year period for  
24          committing a felony described in clause (i);

1                   “(iii) may be denied admission to the  
 2                   United States or removed from the United  
 3                   States under the Immigration and Nation-  
 4                   ality Act (8 U.S.C. 1101 et seq.); or  
 5                   “(iv) otherwise poses a terrorism secu-  
 6                   rity risk to the United States.”.

7 **SEC. 106. LONG-RANGE VESSEL TRACKING.**

8           (a) *REGULATIONS*.—Section 70115 of title 46, United  
 9 States Code, is amended in the first sentence by striking  
 10 “The Secretary” and inserting “Not later than April 1,  
 11 2007, the Secretary”.

12           (b) *VOLUNTARY PROGRAM*.—The Secretary may issue  
 13 regulations to establish a voluntary long-range automated  
 14 vessel tracking system for vessels described in section 70115  
 15 of title 46, United States Code, during the period before reg-  
 16 ulations are issued under such section.

17 **SEC. 107. ESTABLISHMENT OF INTERAGENCY OPERATIONAL**  
 18 **CENTERS FOR PORT SECURITY.**

19           (a) *IN GENERAL*.—Chapter 701 of title 46, United  
 20 States Code, is amended by inserting after section 70107  
 21 the following:

22 **“§ 70107A. Interagency operational centers for port se-**  
 23 **curity**

24           “(a) *IN GENERAL*.—The Secretary shall establish  
 25 interagency operational centers for port security at all high-

1 *priority ports not later than 3 years after the date of the*  
2 *enactment of the Port Security Improvement Act of 2006.*

3 “(b) *CHARACTERISTICS.—The interagency operational*  
4 *centers established under this section shall—*

5 “(1) *utilize, as appropriate, the compositional*  
6 *and operational characteristics of centers,*  
7 *including—*

8 “(A) *the pilot project interagency oper-*  
9 *ational centers for port security in Miami, Flor-*  
10 *ida; Norfolk/Hampton Roads, Virginia; Charles-*  
11 *ton, South Carolina; San Diego, California; and*

12 “(B) *the virtual operation center of the Port*  
13 *of New York and New Jersey;*

14 “(2) *be organized to fit the security needs, re-*  
15 *quirements, and resources of the individual port area*  
16 *at which each is operating;*

17 “(3) *provide, as the Secretary determines appro-*  
18 *priate, for participation by representatives of the*  
19 *United States Customs and Border Protection, the*  
20 *Transportation Security Administration, the Depart-*  
21 *ment of Justice, the Department of Defense, and other*  
22 *Federal agencies, State and local law enforcement or*  
23 *port security personnel, members of the Area Mari-*  
24 *time Security Committee, and other public and pri-*  
25 *vate sector stakeholders adversely affected by a trans-*



1        *portation security incident or transportation disrup-*  
2        *tion; and*

3            *“(4) be incorporated in the implementation and*  
4        *administration of—*

5            *“(A) maritime transportation security*  
6        *plans developed under section 70103;*

7            *“(B) maritime intelligence activities under*  
8        *section 70113 and information sharing activities*  
9        *consistent with section 1016 of the National Se-*  
10       *curity Intelligence Reform Act of 2004 (6 U.S.C.*  
11       *485) and the Homeland Security Information*  
12       *Sharing Act (6 U.S.C. 481 et seq.);*

13           *“(C) short and long range vessel tracking*  
14       *under sections 70114 and 70115;*

15           *“(D) protocols under section 201(b)(10) of*  
16       *the Port Security Improvement Act of 2006;*

17           *“(E) the transportation security incident*  
18       *response plans required by section 70104; and*

19           *“(F) other activities, as determined by the*  
20       *Secretary.*

21        *“(c) SECURITY CLEARANCES.—The Secretary shall*  
22       *sponsor and expedite individuals participating in inter-*  
23       *agency operational centers in gaining or maintaining their*  
24       *security clearances. Through the Captain of the Port, the*  
25       *Secretary may identify key individuals who should partici-*

1 *pate. The port or other entities may appeal to the Captain*  
2 *of the Port for sponsorship.”.*

3 (b) *2005 ACT REPORT REQUIREMENT.*—*Nothing in*  
4 *this section or the amendments made by this section relieves*  
5 *the Commandant of the Coast Guard from complying with*  
6 *the requirements of section 807 of the Coast Guard and*  
7 *Maritime Transportation Act of 2004 (Public Law 108–*  
8 *293; 118 Stat. 1082). The Commandant shall utilize the*  
9 *information developed in making the report required by*  
10 *that section in carrying out the requirements of this section.*

11 (c) *BUDGET AND COST-SHARING ANALYSIS.*—*Not later*  
12 *than 180 days after the date of the enactment of this Act,*  
13 *the Secretary shall submit to the appropriate congressional*  
14 *committees a proposed budget analysis for implementing*  
15 *section 70107A of title 46, United States Code, as added*  
16 *by subsection (a), including cost-sharing arrangements with*  
17 *other Federal departments and agencies involved in the*  
18 *interagency operation of the centers to be established under*  
19 *such section.*

20 (d) *CLERICAL AMENDMENT.*—*The chapter analysis for*  
21 *chapter 701 of title 46, United States Code, is amended by*  
22 *inserting after the item relating to section 70107 the fol-*  
23 *lowing:*

*“70107A. Interagency operational centers for port security.”.*

1 **SEC. 108. NOTICE OF ARRIVAL FOR FOREIGN VESSELS ON**  
 2 **THE OUTER CONTINENTAL SHELF.**

3 (a) *NOTICE OF ARRIVAL.*—Not later than 180 days  
 4 after the date of the enactment of this Act, the Secretary  
 5 is directed to update and finalize its rulemaking on Notice  
 6 of Arrival for foreign vessels on the outer Continental Shelf.

7 (b) *CONTENT OF REGULATIONS.*—The regulations pro-  
 8 mulgated pursuant to paragraph (1) shall be consistent  
 9 with information required under the Notice of Arrival  
 10 under section 160.206 of title 33, Code of Federal Regula-  
 11 tions, as in effect on the date of the enactment of this Act.

12 **Subtitle B—Port Security Grants;**  
 13 **Training and Exercise Programs**

14 **SEC. 111. PORT SECURITY GRANTS.**

15 (a) *BASIS FOR GRANTS.*—Section 70107(a) of title 46,  
 16 United States Code, is amended by striking “for making  
 17 a fair and equitable allocation of funds” and inserting “for  
 18 the allocation of funds based on risk”.

19 (b) *RISK MANAGEMENT PLAN.*—

20 (1) *IN GENERAL.*—Under the direction of the  
 21 Commandant of the Coast Guard, each Area Mari-  
 22 time Security Committee shall develop a Port Wide  
 23 Risk Management Plan that includes—

24 (A) security goals and objectives, supported  
 25 by a risk assessment and an evaluation of alter-  
 26 natives;

1                   (B) a management selection process; and  
2                   (C) active monitoring to measure effective-  
3                   ness.

4                   (2) *RISK ASSESSMENT TOOL.*—*The Secretary of*  
5                   *the Department in which the Coast Guard is oper-*  
6                   *ating, shall make available, and Area Maritime Secu-*  
7                   *rity Committees shall use, a risk assessment tool that*  
8                   *uses standardized risk criteria, such as the Maritime*  
9                   *Security Risk Assessment Tool used by the Coast*  
10                   *Guard, to develop the Port Wide Risk Management*  
11                   *Plan.*

12                   (c) *MULTIPLE-YEAR PROJECTS, ETC.*—*Section 70107*  
13                   *of title 46, United States Code, is amended by redesignating*  
14                   *subsections (e), (f), (g), (h), and (i) as subsections (i), (j),*  
15                   *(k), (l), and (m), respectively, and by inserting after sub-*  
16                   *section (d) the following:*

17                   “(e) *MULTIPLE-YEAR PROJECTS.*—

18                   “(1) *LETTERS OF INTENT.*—*The Secretary may*  
19                   *execute letters of intent to commit funding to such au-*  
20                   *thorities, operators, and agencies.*

21                   “(2) *LIMITATION.*—*Not more than 20 percent of*  
22                   *the grant funds awarded under this subsection in any*  
23                   *fiscal year may be awarded for projects that span*  
24                   *multiple years.*

1       “(f) *CONSISTENCY WITH PLANS.*—*The Secretary shall*  
2 *ensure that each grant awarded under subsection (e)—*

3               “(1) *is used to supplement and support, in a*  
4 *consistent and coordinated manner, the applicable*  
5 *Area Maritime Transportation Security Plan;*

6               “(2) *is coordinated with any applicable State or*  
7 *Urban Area Homeland Security Plan; and*

8               “(3) *is consistent with the Port Wide Risk Man-*  
9 *agement Plan developed under section 111(b) of the*  
10 *Port Security Improvement Act of 2006.*

11       “(g) *APPLICATIONS.*—*Any entity subject to an Area*  
12 *Maritime Transportation Security Plan may submit an*  
13 *application for a grant under this subsection, at such time,*  
14 *in such form, and containing such information and assur-*  
15 *ances as the Secretary, working through the Directorate for*  
16 *Preparedness, may require.*

17       “(h) *REPORTS.*—*Not later than 180 days after the date*  
18 *of the enactment of the Port Security Improvement Act of*  
19 *2006, the Secretary, acting through the Commandant of the*  
20 *Coast Guard, shall submit a report to Congress, in a secure*  
21 *format, describing the methodology used to allocate port se-*  
22 *curity grant funds on the basis of risk.”.*

23       “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*Sub-*  
24 *section (l) of section 70107 of title 46, United States Code,*

1 *as redesignated by subsection (b) is amended to read as fol-*  
2 *lows:*

3       “(l) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
4 *authorized to be appropriated \$400,000,000 for each of the*  
5 *fiscal years 2007 through 2011 to carry out this section.*”.

6       (e) *BASIS FOR GRANTS.*—*Section 70107(a) of title 46,*  
7 *United States Code, is amended by inserting “, energy” be-*  
8 *tween “national economic” and “and strategic defense con-*  
9 *cerns.”.*

10       (f) *CONTAINER SCANNING TECHNOLOGY GRANT PRO-*  
11 *GRAM.*—

12               (1) *NUCLEAR AND RADIOLOGICAL DETECTION*  
13 *DEVICES.*—*Section 70107(m)(1)(C) of title 46, United*  
14 *States Code, as redesignated by subsection (b), is*  
15 *amended by inserting “, underwater or water surface*  
16 *devices, devices that can be mounted on cranes and*  
17 *straddle cars used to move cargo within ports, and*  
18 *scanning and imaging technology” before the semi-*  
19 *colon at the end.*

20               (2) *USE OF FUNDS.*—*Amounts appropriated*  
21 *pursuant to this section shall be used for grants to be*  
22 *awarded in a competitive process to public or private*  
23 *entities for the purpose of researching and developing*  
24 *nuclear and radiological detection equipment de-*

1       scribed in section 70107(m)(1)(C) of title 46, United  
2       States Code, as amended by this section.

3               (3) *AUTHORIZATION OF APPROPRIATIONS.*—

4       There are authorized to be appropriated a total of  
5       \$70,000,000 for fiscal years 2008 through 2009 for the  
6       purpose of researching and developing nuclear and  
7       radiological detection equipment described in section  
8       70107(m)(1)(C) of title 46, United States Code, as  
9       amended by this section.

10 **SEC. 112. PORT SECURITY TRAINING PROGRAM.**

11       (a) *IN GENERAL.*—The Secretary, acting through the  
12 Under Secretary for Preparedness and in coordination with  
13 the Commandant of the Coast Guard, shall establish a Port  
14 Security Training Program (referred to in this section as  
15 the “Program”) for the purpose of enhancing the capabili-  
16 ties of each of the commercial seaports of the United States  
17 to prevent, prepare for, respond to, mitigate against, and  
18 recover from threatened or actual acts of terrorism, natural  
19 disasters, and other emergencies.

20       (b) *REQUIREMENTS.*—The Program shall provide vali-  
21 dated training that—

22               (1) reaches multiple disciplines, including Fed-  
23 eral, State, and local government officials, commercial  
24 seaport personnel and management, and govern-

1        *mental and nongovernmental emergency response pro-*  
2        *viders;*

3            (2) *provides training at the awareness, perform-*  
4        *ance, and management and planning levels;*

5            (3) *utilizes multiple training mediums and*  
6        *methods;*

7            (4) *addresses port security topics, including—*

8                    (A) *seaport security plans and procedures,*  
9        *including how security plans and procedures are*  
10       *adjusted when threat levels increase;*

11                   (B) *seaport security force operations and*  
12       *management;*

13                   (C) *physical security and access control at*  
14       *seaports;*

15                   (D) *methods of security for preventing and*  
16       *countering cargo theft;*

17                   (E) *container security;*

18                   (F) *recognition and detection of weapons,*  
19       *dangerous substances, and devices;*

20                   (G) *operation and maintenance of security*  
21       *equipment and systems;*

22                   (H) *security threats and patterns;*

23                   (I) *security incident procedures, including*  
24       *procedures for communicating with govern-*



1           *mental and nongovernmental emergency response*  
2           *providers; and*

3                   *(J) evacuation procedures;*

4           *(5) is consistent with, and supports implementa-*  
5           *tion of, the National Incident Management System,*  
6           *the National Response Plan, the National Infrastruc-*  
7           *ture Protection Plan, the National Preparedness*  
8           *Guidance, the National Preparedness Goal, the Na-*  
9           *tional Maritime Transportation Security Plan, and*  
10           *other such national initiatives;*

11           *(6) is evaluated against clear and consistent per-*  
12           *formance measures;*

13           *(7) addresses security requirements under facil-*  
14           *ity security plans; and*

15           *(8) educates, trains, and involves populations of*  
16           *at-risk neighborhoods around ports, including train-*  
17           *ing on an annual basis for neighborhoods to learn*  
18           *what to be watchful for in order to be a “citizen*  
19           *corps”, if necessary.*

20           *(c) TRAINING PARTNERS.—In developing and deliv-*  
21           *ering training under the Program, the Secretary, in coordi-*  
22           *nation with the Maritime Administration of the Depart-*  
23           *ment of Transportation, and consistent with section 109 of*  
24           *the Maritime Transportation Security Act of 2002 (46*  
25           *U.S.C. 70101 note), shall—*

1           (1) *work with government training facilities,*  
2           *academic institutions, private organizations, em-*  
3           *ployee organizations, and other entities that provide*  
4           *specialized, state-of-the-art training for governmental*  
5           *and non-governmental emergency responder providers*  
6           *or commercial seaport personnel and management;*  
7           *and*

8           (2) *utilize, as appropriate, government training*  
9           *facilities, courses provided by community colleges,*  
10          *public safety academies, State and private univer-*  
11          *sities, and other facilities.*

12 **SEC. 113. PORT SECURITY EXERCISE PROGRAM.**

13          (a) *IN GENERAL.*—*The Secretary, acting through the*  
14          *Under Secretary for Preparedness and in coordination with*  
15          *the Commandant of the Coast Guard, may establish a Port*  
16          *Security Exercise Program (referred to in this section as*  
17          *the “Program”) for the purpose of testing and evaluating*  
18          *the capabilities of Federal, State, local, and foreign govern-*  
19          *ments, commercial seaport personnel and management, gov-*  
20          *ernmental and nongovernmental emergency response pro-*  
21          *viders, the private sector, or any other organization or enti-*  
22          *ty, as the Secretary determines to be appropriate, to pre-*  
23          *vent, prepare for, mitigate against, respond to, and recover*  
24          *from acts of terrorism, natural disasters, and other emer-*  
25          *gencies at commercial seaports.*

1           (b) *REQUIREMENTS.—The Secretary shall ensure that*  
2 *the Program—*

3           (1) *conducts, on a periodic basis, port security*  
4 *exercises at commercial seaports that are—*

5                   (A) *scaled and tailored to the needs of each*  
6 *port;*

7                   (B) *live, in the case of the most at-risk*  
8 *ports;*

9                   (C) *as realistic as practicable and based on*  
10 *current risk assessments, including credible*  
11 *threats, vulnerabilities, and consequences;*

12                   (D) *consistent with the National Incident*  
13 *Management System, the National Response*  
14 *Plan, the National Infrastructure Protection*  
15 *Plan, the National Preparedness Guidance, the*  
16 *National Preparedness Goal, the National Mari-*  
17 *time Transportation Security Plan, and other*  
18 *such national initiatives;*

19                   (E) *evaluated against clear and consistent*  
20 *performance measures;*

21                   (F) *assessed to learn best practices, which*  
22 *shall be shared with appropriate Federal, State,*  
23 *and local officials, seaport personnel and man-*  
24 *agement, governmental and nongovernmental*

1           *emergency response providers, and the private*  
2           *sector; and*

3                   *(G) followed by remedial action in response*  
4           *to lessons learned; and*

5           *(2) assists State and local governments and com-*  
6           *mmercial seaports in designing, implementing, and*  
7           *evaluating exercises that—*

8                   *(A) conform to the requirements of para-*  
9           *graph (1); and*

10                   *(B) are consistent with any applicable Area*  
11           *Maritime Transportation Security Plan and*  
12           *State or Urban Area Homeland Security Plan.*

13           *(c) IMPROVEMENT PLAN.—The Secretary shall estab-*  
14           *lish a port security improvement plan process to—*

15                   *(1) identify and analyze each port security exer-*  
16           *cise for lessons learned and best practices;*

17                   *(2) disseminate lessons learned and best practices*  
18           *to participants in the Program;*

19                   *(3) monitor the implementation of lessons*  
20           *learned and best practices by participants in the Pro-*  
21           *gram; and*

22                   *(4) conduct remedial action tracking and long-*  
23           *term trend analysis.*

1           **Subtitle C—Port Operations**

2   **SEC. 121. DOMESTIC RADIATION DETECTION AND IMAGING.**

3           (a) *EXAMINING CONTAINERS.*—Not later than Decem-  
4   ber 31, 2007, all containers entering the United States  
5   through the busiest 22 seaports of entry shall be examined  
6   for radiation.

7           (b) *STRATEGY.*—The Secretary shall develop a strategy  
8   for the deployment of radiation detection capabilities that  
9   includes—

10           (1) *a risk-based prioritization of ports of entry*  
11   *at which radiation detection equipment will be de-*  
12   *ployed;*

13           (2) *a proposed timeline of when radiation detec-*  
14   *tion equipment will be deployed at each port of entry*  
15   *identified under paragraph (1);*

16           (3) *the type of equipment to be used at each port*  
17   *of entry identified under paragraph (1), including the*  
18   *joint deployment and utilization of radiation detec-*  
19   *tion equipment and nonintrusive imaging equipment;*

20           (4) *standard operating procedures for examining*  
21   *containers with such equipment, including sensor*  
22   *alarms, networking, and communications and re-*  
23   *sponse protocols;*

24           (5) *operator training plans;*

1           (6) *an evaluation of the environmental health*  
2           *and safety impacts of nonintrusive imaging tech-*  
3           *nology;*

4           (7) *the policy of the Department for using non-*  
5           *intrusive imagining equipment in tandem with radi-*  
6           *ation detection equipment; and*

7           (8) *a classified annex that—*

8                   (A) *details plans for covert testing; and*

9                   (B) *outlines the risk-based prioritization of*  
10           *ports of entry identified under paragraph (1).*

11       (c) *REPORT.—Not later than 90 days after the date*  
12       *of the enactment of this Act, the Secretary shall submit the*  
13       *strategy developed under subsection (b) to the appropriate*  
14       *congressional committees.*

15       (d) *UPDATE.—Not later than 180 days after the date*  
16       *of the enactment of this Act, the Secretary may update the*  
17       *strategy submitted under subsection (c) to provide a more*  
18       *complete evaluation under subsection (b)(6).*

19       (e) *OTHER WEAPONS OF MASS DESTRUCTION*  
20       *THREATS.—Not later than 180 days after the date of the*  
21       *enactment of this Act, the Secretary shall submit a strategy*  
22       *for the development of equipment to detect chemical, biologi-*  
23       *cal, and other weapons of mass destruction at all ports of*  
24       *entry into the United States to the appropriate congres-*  
25       *sional committees.*

1           (f) *STANDARDS.*—*The Secretary, in conjunction with*  
2 *the National Institute of Standards and Technology, shall*  
3 *publish technical capability standards and recommended*  
4 *standard operating procedures for the use of nonintrusive*  
5 *imaging and radiation detection equipment in the United*  
6 *States. Such standards and procedures—*

7                   (1) *should take into account relevant standards*  
8 *and procedures utilized by other Federal departments*  
9 *or agencies as well as those developed by international*  
10 *bodies; and*

11                   (2) *shall not be designed so as to endorse specific*  
12 *companies or create sovereignty conflicts with partici-*  
13 *pating countries.*

14           (g) *IMPLEMENTATION.*—*Not later than 3 years after*  
15 *the date of the enactment of this Act, the Secretary shall*  
16 *fully implement the strategy developed under subsection (b).*

17           (h) *EXPANSION TO OTHER UNITED STATES PORTS OF*  
18 *ENTRY.*—

19                   (1) *IN GENERAL.*—*As soon as practicable after—*

20                           (A) *implementation of the program for the*  
21 *examination of containers for radiation at ports*  
22 *of entry described in subsection (a), and*

23                           (B) *submission of the strategy developed*  
24 *under subsection (b) (and updating, if any, of*  
25 *that strategy under subsection (c)),*

1       *but no later than December 31, 2008, the Secretary*  
2       *shall expand the strategy developed under subsection*  
3       *(b), in a manner consistent with the requirements of*  
4       *subsection (b), to provide for the deployment of radi-*  
5       *ation detection capabilities at all other United States*  
6       *ports of entry not covered by the strategy developed*  
7       *under subsection (b).*

8               (2) *RISK ASSESSMENT.*—*In expanding the strat-*  
9       *egy under paragraph (1), the Secretary shall identify*  
10       *and assess the risks to those other ports of entry in*  
11       *order to determine what equipment and practices will*  
12       *best mitigate the risks.*

13       (i) *INTERMODAL RAIL RADIATION DETECTION TEST*  
14       *CENTER.*—

15               (1) *ESTABLISHMENT.*—*In accordance with sub-*  
16       *section (b), and in order to comply with this section,*  
17       *the Secretary shall establish Intermodal Rail Radi-*  
18       *ation Detection Test Centers (referred to in this sub-*  
19       *section as the “Test Centers”).*

20               (2) *PROJECTS.*—*The Secretary shall conduct*  
21       *multiple, concurrent projects at the Test Center to*  
22       *rapidly identify and test concepts specific to the chal-*  
23       *lenges posed by on-dock rail.*

24               (3) *LOCATION.*—*The Test Centers shall be located*  
25       *within public port facilities which have a significant*



1        *portion of the containerized cargo directly laden from*  
2        *(or unladen to) on-dock, intermodal rail, including at*  
3        *least one public port facility at which more than 50*  
4        *percent of the containerized cargo is directly laden*  
5        *from (or unladen to) on-dock, intermodal rail.*

6        **SEC. 122. PORT SECURITY USER FEE STUDY.**

7        *The Secretary shall conduct a study of the need for,*  
8        *and feasibility of, establishing a system of oceanborne and*  
9        *port-related transportation user fees that may be imposed*  
10       *and collected as a dedicated revenue source, on a temporary*  
11       *or continuing basis, to provide necessary funding for legiti-*  
12       *mate improvements to, and maintenance of, port security.*  
13       *Not later than 1 year after the date of the enactment of*  
14       *this Act, the Secretary shall submit a report to the appro-*  
15       *priate congressional committees that contains—*

16                (1) *the results of the study;*

17                (2) *an assessment of the annual amount of cus-*  
18        *toms fees and duties collected through oceanborne and*  
19        *port-related transportation and the amount and per-*  
20        *centage of such fees and duties that are dedicated to*  
21        *improve and maintain security;*

22                (3)(A) *an assessment of the fees, charges, and*  
23        *standards imposed on United States ports, port ter-*  
24        *минаl operators, shippers, and persons who use*  
25        *United States ports, compared with the fees and*

1 *charges imposed on ports and port terminal operators*  
2 *in Canada and Mexico and persons who use those for-*  
3 *oreign ports; and*

4 *(B) an assessment of the impact on the competi-*  
5 *tiveness of United States ports, port terminal opera-*  
6 *tors, and shippers; and*

7 *(4) the Secretary's recommendations based upon*  
8 *the study, and an assessment of the consistency of*  
9 *such recommendations with the international obliga-*  
10 *tions and commitments of the United States.*

11 **SEC. 123. INSPECTION OF CAR FERRIES ENTERING FROM**  
12 **ABROAD.**

13 *Not later than 120 days after the date of the enactment*  
14 *of this Act, the Secretary, acting through the Commissioner,*  
15 *and in coordination with the Secretary of State and in co-*  
16 *operation with ferry operators and appropriate foreign gov-*  
17 *ernment officials, shall seek to develop a plan for the inspec-*  
18 *tion of passengers and vehicles before such passengers board,*  
19 *or such vehicles are loaded onto, a ferry bound for a United*  
20 *States seaport.*

21 **SEC. 124. RANDOM SEARCHES OF CONTAINERS.**

22 *Not later than 1 year after the date of the enactment*  
23 *of this Act, the Secretary, acting through the Commissioner,*  
24 *shall develop and implement a plan, utilizing best practices*  
25 *for empirical scientific research design and random sam-*

1 *pling, to conduct random searches of containers in addition*  
2 *to any targeted or preshipment inspection of such con-*  
3 *tainers required by law or regulation or conducted under*  
4 *any other program conducted by the Secretary. Nothing in*  
5 *this section shall be construed to mean that implementation*  
6 *of the random sampling plan precludes additional searches*  
7 *of containers not inspected pursuant to the plan.*

8 **SEC. 125. WORK STOPPAGES AND EMPLOYEE-EMPLOYER**  
9 **DISPUTES.**

10 *Section 70101(6) of title 46, United States Code, is*  
11 *amended by adding at the end the following: “In this para-*  
12 *graph, the term ‘economic disruption’ does not include a*  
13 *work stoppage or other nonviolent employee-related action*  
14 *not related to terrorism and resulting from an employee-*  
15 *employer dispute.”.*

16 **SEC. 126. THREAT ASSESSMENT SCREENING OF PORT**  
17 **TRUCK DRIVERS.**

18 *Subject to the availability of appropriations, within*  
19 *90 days after the date of enactment of this Act, the Sec-*  
20 *retary of Homeland Security shall implement a threat as-*  
21 *essment screening, including name-based checks against*  
22 *terrorist watch lists and immigration status check, for all*  
23 *port truck drivers that is the same as the threat assessment*  
24 *screening required for facility employees and longshoremen*  
25 *by the Commandant of the Coast Guard under Coast Guard*

1 *Notice USCG–2006–24189 (Federal Register, Vol. 71, No.*  
2 *82, Friday, April 28, 2006).*

3       **TITLE II—SECURITY OF THE**  
4       **INTERNATIONAL SUPPLY CHAIN**  
5       **Subtitle A—General Provisions**

6       **SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF**  
7               **THE INTERNATIONAL SUPPLY CHAIN.**

8           (a) *STRATEGIC PLAN.*—*The Secretary, in consultation*  
9 *with appropriate Federal, State, local, and tribal govern-*  
10 *ment agencies and private-sector stakeholders responsible*  
11 *for security matters that affect or relate to the movement*  
12 *of containers through the international supply chain, shall*  
13 *develop, implement, and update, as appropriate, a strategic*  
14 *plan to enhance the security of the international supply*  
15 *chain.*

16          (b) *REQUIREMENTS.*—*The strategic plan required*  
17 *under subsection (a) shall—*

18               (1) *describe the roles, responsibilities, and au-*  
19 *thorities of Federal, State, local, and tribal govern-*  
20 *ment agencies and private-sector stakeholders that re-*  
21 *late to the security of the movement of containers*  
22 *through the international supply chain;*

23               (2) *identify and address gaps and unnecessary*  
24 *overlaps in the roles, responsibilities, or authorities*  
25 *described in paragraph (1);*

1           (3) *identify and make recommendations regard-*  
2           *ing legislative, regulatory, and organizational changes*  
3           *necessary to improve coordination among the entities*  
4           *or to enhance the security of the international supply*  
5           *chain;*

6           (4) *provide measurable goals, including objec-*  
7           *tives, mechanisms, and a schedule, for furthering the*  
8           *security of commercial operations from point of ori-*  
9           *gin to point of destination;*

10          (5) *build on available resources and consider*  
11          *costs and benefits;*

12          (6) *provide incentives for additional voluntary*  
13          *measures to enhance cargo security, as determined by*  
14          *the Commissioner;*

15          (7) *consider the impact of supply chain security*  
16          *requirements on small and medium size companies;*

17          (8) *include a process for sharing intelligence and*  
18          *information with private-sector stakeholders to assist*  
19          *in their security efforts;*

20          (9) *identify a framework for prudent and meas-*  
21          *ured response in the event of a transportation secu-*  
22          *rity incident involving the international supply*  
23          *chain;*

1           (10) provide protocols for the expeditious re-  
2           sumption of the flow of trade in accordance with sec-  
3           tion 202, including—

4                   (A) the identification of the appropriate  
5                   initial incident commander, if the Commandant  
6                   of the Coast Guard is not the appropriate initial  
7                   incident commander, and lead departments,  
8                   agencies, or offices to execute such protocols;

9                   (B) a plan to redeploy resources and per-  
10                  sonnel, as necessary, to reestablish the flow of  
11                  trade in the event of a transportation disruption;  
12                  and

13                  (C) a plan to provide training for the peri-  
14                  odic instruction of personnel of the United States  
15                  Customs and Border Protection in trade resump-  
16                  tion functions and responsibilities following a  
17                  transportation disruption;

18           (11) consider the linkages between supply chain  
19           security and security programs within other systems  
20           of movement, including travel security and terrorism  
21           finance programs; and

22           (12) expand upon and relate to existing strate-  
23           gies and plans, including the National Response  
24           Plan, National Maritime Transportation Security  
25           Plan, and the 8 supporting plans of the Strategy, as

1       *required by Homeland Security Presidential Directive*  
2       13.

3       (c) *CONSULTATION.*—*In developing protocols under*  
4       *subsection (b)(10), the Secretary shall consult with Federal,*  
5       *State, local, and private sector stakeholders, including the*  
6       *National Maritime Security Advisory Committee and the*  
7       *Commercial Operations Advisory Committee.*

8       (d) *COMMUNICATION.*—*To the extent practicable, the*  
9       *strategic plan developed under subsection (a) shall provide*  
10      *for coordination with, and lines of communication among,*  
11      *appropriate Federal, State, local, and private-sector stake-*  
12      *holders on law enforcement actions, intermodal rerouting*  
13      *plans, and other strategic infrastructure issues resulting*  
14      *from a transportation security incident or transportation*  
15      *disruption.*

16      (e) *UTILIZATION OF ADVISORY COMMITTEES.*—*As part*  
17      *of the consultations described in subsection (a), the Sec-*  
18      *retary shall, to the extent practicable, utilize the Homeland*  
19      *Security Advisory Committee, the National Maritime Secu-*  
20      *rity Advisory Committee, and the Commercial Operations*  
21      *Advisory Committee to review, as necessary, the draft stra-*  
22      *tegic plan and any subsequent updates to the strategic plan.*

23      (f) *INTERNATIONAL STANDARDS AND PRACTICES.*—*In*  
24      *furtherance of the strategic plan required under subsection*  
25      *(a), the Secretary is encouraged to consider proposed or es-*

1 *established standards and practices of foreign governments*  
2 *and international organizations, including the Inter-*  
3 *national Maritime Organization, the World Customs Orga-*  
4 *nization, and the International Organization for Standard-*  
5 *ization, as appropriate, to establish standards and best*  
6 *practices for the security of containers moving through the*  
7 *international supply chain.*

8 *(g) REPORT.—*

9 *(1) INITIAL REPORT.—Not later than 180 days*  
10 *after the date of the enactment of this Act, the Sec-*  
11 *retary shall submit to the appropriate congressional*  
12 *committees a report that contains the strategic plan*  
13 *required by subsection (a).*

14 *(2) FINAL REPORT.—Not later than 3 years after*  
15 *the date on which the strategic plan is submitted*  
16 *under paragraph (1), the Secretary shall submit a re-*  
17 *port to the appropriate congressional committees that*  
18 *contains an update of the strategic plan.*

19 **SEC. 202. POST INCIDENT RESUMPTION OF TRADE.**

20 *(a) IN GENERAL.—Except as otherwise determined by*  
21 *the Secretary, in the event of a maritime transportation*  
22 *disruption or a maritime transportation security incident,*  
23 *the initial incident commander and the lead department,*  
24 *agency, or office for carrying out the strategic plan required*



1 *under section 201 shall be determined by the protocols re-*  
2 *quired under section 201(b)(10).*

3       **(b) VESSELS.**—*The Commandant of the Coast Guard*  
4 *shall, to the extent practicable and consistent with the pro-*  
5 *ocols and plans required under paragraphs (10) and (12)*  
6 *of section 201(b), ensure the safe and secure transit of ves-*  
7 *sels to ports in the United States after a maritime transpor-*  
8 *tation security incident, with priority given to vessels car-*  
9 *rying cargo determined by the President to be critical for*  
10 *response and recovery from such a disruption or incident,*  
11 *and to vessels that—*

12           **(1)** *have either a vessel security plan approved*  
13 *under section 70103(c) of title 46, United States Code,*  
14 *or a valid international ship security certificate, as*  
15 *provided under part 104 of title 33, Code of Federal*  
16 *Regulations;*

17           **(2)** *are manned by individuals who are described*  
18 *in section 70105(b)(2)(B) of title 46, United States*  
19 *Code, and who—*

20               **(A)** *have undergone a background records*  
21 *check under section 70105(d) of title 46, United*  
22 *States Code; or*

23               **(B)** *hold a transportation security card*  
24 *issued under section 70105 of title 46, United*  
25 *States Code; and*

1           (3) are operated by validated participants in the  
2       *Customs-Trade Partnership Against Terrorism* pro-  
3       *gram.*

4       (c) *CARGO.*—*Consistent with the protocols and plans*  
5       *required under paragraphs (10) and (12) of section 201(b),*  
6       *the Commissioner shall give preference to cargo—*

7           (1) *entering a port of entry directly from a for-*  
8       *foreign seaport designated under the Container Security*  
9       *Initiative;*

10          (2) *determined by the President to be critical for*  
11       *response and recovery;*

12          (3) *that has been handled by a validated C-*  
13       *TPAT participant; or*

14          (4) *that has undergone (A) a nuclear or radio-*  
15       *logical detection scan, (B) an x-ray, density or other*  
16       *imaging scan, and (C) an optical recognition scan, at*  
17       *the last port of departure prior to arrival in the*  
18       *United States, which data has been evaluated and*  
19       *analyzed by United States Customs and Border Pro-*  
20       *tection personnel.*

21       (d) *COORDINATION.*—*The Secretary shall ensure that*  
22       *there is appropriate coordination among the Commandant*  
23       *of the Coast Guard, the Commissioner, and other Federal*  
24       *officials following a maritime disruption or maritime*

1 *transportation security incident in order to provide for the*  
2 *resumption of trade.*

3 (e) *COMMUNICATION.*—*Consistent with section 201 of*  
4 *this Act, the Commandant of the Coast Guard, Commis-*  
5 *sioner, and other appropriate Federal officials, shall*  
6 *promptly communicate any revised procedures or instruc-*  
7 *tions intended for the private sector following a maritime*  
8 *disruption or maritime transportation security incident.*

9 **SEC. 203. AUTOMATED TARGETING SYSTEM.**

10 (a) *IN GENERAL.*—*The Secretary, acting through the*  
11 *Commissioner, shall—*

12 (1) *identify and seek the submission of data re-*  
13 *lated to the movement of a shipment of cargo through*  
14 *the international supply chain; and*

15 (2) *analyze the data described in paragraph (1)*  
16 *to identify high-risk cargo for inspection.*

17 (b) *CONSIDERATION.*—*The Secretary, acting through*  
18 *the Commissioner, shall—*

19 (1) *consider the cost, benefit, and feasibility of—*

20 (A) *requiring additional nonmanifest docu-*  
21 *mentation;*

22 (B) *reducing the time period allowed by law*  
23 *for revisions to a container cargo manifest;*

1           (C) *reducing the time period allowed by law*  
2           *for submission of certain elements of entry data,*  
3           *for vessel or cargo; and*

4           (D) *such other actions the Secretary con-*  
5           *siders beneficial for improving the information*  
6           *relied upon for the Automated Targeting System*  
7           *and any successor targeting system in furthering*  
8           *the security and integrity of the international*  
9           *supply chain; and*

10          (2) *consult with stakeholders, including the Com-*  
11          *mercial Operations Advisory Committee, and identify*  
12          *to them the need for such information, and the appro-*  
13          *priate timing of its submission.*

14          (c) *DETERMINATION.*—*Upon the completion of the*  
15          *process under subsection (b), the Secretary, acting through*  
16          *the Commissioner, may require importers to submit certain*  
17          *elements of non-manifest or other data about a shipment*  
18          *bound for the United States not later than 24 hours before*  
19          *loading a container on a vessel at a foreign port bound for*  
20          *the United States.*

21          (d) *SYSTEM IMPROVEMENTS.*—*The Secretary, acting*  
22          *through the Commissioner, shall—*

23                 (1) *conduct, through an independent panel, a re-*  
24                 *view of the effectiveness and capabilities of the Auto-*  
25                 *mated Targeting System;*

1           (2) *consider future iterations of the Automated*  
2           *Targeting System;*

3           (3) *ensure that the Automated Targeting System*  
4           *has the capability to electronically compare manifest*  
5           *and other available data for cargo entered into or*  
6           *bound for the United States to detect any significant*  
7           *anomalies between such data and facilitate the resolu-*  
8           *tion of such anomalies; and*

9           (4) *ensure that the Automated Targeting System*  
10          *has the capability to electronically identify, compile,*  
11          *and compare select data elements for cargo entered*  
12          *into or bound for the United States following a mari-*  
13          *time transportation security incident, in order to effi-*  
14          *ciently identify cargo for increased inspection or ex-*  
15          *peditious release.*

16          (e) *AUTHORIZATION OF APPROPRIATIONS.—*

17                 (1) *IN GENERAL.—There are authorized to be ap-*  
18                 *propriated to the United States Customs and Border*  
19                 *Protection in the Department of Homeland Security*  
20                 *to carry out the Automated Targeting System for*  
21                 *identifying high-risk oceanborne container cargo for*  
22                 *inspection—*

23                         (A) *\$33,200,000 for fiscal year 2008;*

24                         (B) *\$35,700,000 for fiscal year 2009; and*

25                         (C) *\$37,485,000 for fiscal year 2010.*

1           (2) *SUPPLEMENT FOR OTHER FUNDS.*—The  
2           *amounts authorized by this subsection shall be in ad-*  
3           *dition to any other amount authorized to be appro-*  
4           *propriated to carry out the Automated Targeting System.*

5 **SEC. 204. CONTAINER SECURITY STANDARDS AND PROCE-**  
6           **DURES.**

7           (a) *ESTABLISHMENT.*—

8           (1) *IN GENERAL.*—Not later than 60 days after  
9           *the date of the enactment of this Act, the Secretary*  
10           *shall initiate a rulemaking proceeding to establish*  
11           *minimum standards and procedures for securing con-*  
12           *tainers in transit to an importer in the United*  
13           *States.*

14           (2) *INTERIM RULE.*—Not later than 180 days  
15           *after the date of the enactment of this Act, the Sec-*  
16           *retary shall issue an interim final rule pursuant to*  
17           *the proceeding described in paragraph (1).*

18           (3) *MISSED DEADLINE.*—If the Secretary is un-  
19           *able to meet the deadline established pursuant to*  
20           *paragraph (2), the Secretary shall transmit a letter*  
21           *to the appropriate congressional committees explain-*  
22           *ing why the Secretary is unable to meet that deadline*  
23           *and describing what must be done before such min-*  
24           *imum standards and procedures can be established.*

1           **(b) REVIEW AND ENHANCEMENT.**—*The Secretary shall*  
2 *regularly review and enhance the standards and procedures*  
3 *established pursuant to subsection (a).*

4           **(c) INTERNATIONAL CARGO SECURITY STANDARDS.**—  
5 *The Secretary, in consultation with the Secretary of State,*  
6 *the Secretary of Energy, and other government officials, as*  
7 *appropriate, and with the Commercial Operations Advisory*  
8 *Committee, the Homeland Security Advisory Committee,*  
9 *and the National Maritime Security Advisory Committee,*  
10 *is encouraged to promote and establish international stand-*  
11 *ards for the security of containers moving through the inter-*  
12 *national supply chain with foreign governments and inter-*  
13 *national organizations, including the International Mari-*  
14 *time Organization and the World Customs Organization.*

15 **SEC. 205. CONTAINER SECURITY INITIATIVE.**

16           **(a) ESTABLISHMENT.**—*The Secretary, acting through*  
17 *the Commissioner, shall establish and implement a program*  
18 *(referred to in this section as the “Container Security Ini-*  
19 *tiative”)* *to identify and examine or search maritime con-*  
20 *tainers that pose a security risk before loading such con-*  
21 *tainers in a foreign port for shipment to the United States,*  
22 *either directly or through a foreign port.*

23           **(b) ASSESSMENT.**—*The Secretary, acting through the*  
24 *Commissioner, may designate foreign seaports to partici-*  
25 *pate in the Container Security Initiative after the Sec-*

1 *retary has assessed the costs, benefits, and other factors asso-*  
2 *ciated with such designation, including—*

3 *(1) the level of risk for the potential compromise*  
4 *of containers by terrorists, or other threats as deter-*  
5 *mined by the Secretary;*

6 *(2) the volume and value of cargo being imported*  
7 *to the United States directly from, or being trans-*  
8 *shipped through, the foreign seaport;*

9 *(3) the results of the Coast Guard assessments*  
10 *conducted pursuant to section 70108 of title 46,*  
11 *United States Code;*

12 *(4) the commitment of the government of the*  
13 *country in which the foreign seaport is located to co-*  
14 *operate with the Department to carry out the Con-*  
15 *tainer Security Initiative; and*

16 *(5) the potential for validation of security prac-*  
17 *tices at the foreign seaport by the Department.*

18 *(c) NOTIFICATION.—The Secretary shall notify the ap-*  
19 *propriate congressional committees of the designation of a*  
20 *foreign port under the Container Security Initiative or the*  
21 *revocation of such a designation before notifying the public*  
22 *of such designation or revocation.*

23 *(d) NEGOTIATIONS.—The Secretary, in cooperation*  
24 *with the Secretary of State and in consultation with the*  
25 *United States Trade Representative, may enter into nego-*



1 *tiations with the government of each foreign nation in*  
2 *which a seaport is designated under the Container Security*  
3 *Initiative to ensure full compliance with the requirements*  
4 *under the Container Security Initiative.*

5       *(e) OVERSEAS INSPECTIONS.—The Secretary shall es-*  
6 *tablish minimum technical capability criteria and stand-*  
7 *ard operating procedures for the use of nonintrusive imag-*  
8 *ing and radiation detection equipment in conjunction with*  
9 *the Container Security Initiative and shall monitor oper-*  
10 *ations at foreign seaports designated under the Container*  
11 *Security Initiative to ensure the use of such criteria and*  
12 *procedures. Such criteria and procedures—*

13           *(1) shall be consistent with relevant standards*  
14 *and procedures utilized by other Federal departments*  
15 *or agencies, or developed by international bodies if the*  
16 *United States consents to such standards and proce-*  
17 *dures;*

18           *(2) shall not apply to activities conducted under*  
19 *the Megaports Initiative of the Department of Energy;*

20           *(3) shall not be designed to endorse the product*  
21 *or technology of any specific company or to conflict*  
22 *with the sovereignty of a country in which a foreign*  
23 *seaport designated under the Container Security Ini-*  
24 *tiative is located; and*

1           (4) shall be applied to the equipment operated at  
2           each foreign seaport designated under the Container  
3           Security Initiative, except as provided under para-  
4           graph (2).

5           (f) SAVINGS PROVISION.—The authority of the Sec-  
6           retary under this section shall not affect any authority or  
7           duplicate any efforts or responsibilities of the Federal Gov-  
8           ernment with respect to the deployment of radiation detec-  
9           tion equipment outside of the United States.

10          (g) COORDINATION.—The Secretary shall coordinate  
11          with the Secretary of Energy to—

12               (1) provide radiation detection equipment re-  
13               quired to support the Container Security Initiative  
14               through the Department of Energy’s Second Line of  
15               Defense and Megaports programs; or

16               (2) work with the private sector to obtain radi-  
17               ation detection equipment that meets both the Depart-  
18               ment’s and the Department of Energy’s technical  
19               specifications for such equipment.

20          (h) STAFFING.—The Secretary shall develop a human  
21          capital management plan to determine adequate staffing  
22          levels in the United States and in foreign seaports includ-  
23          ing, as appropriate, the remote location of personnel in  
24          countries in which foreign seaports are designated under  
25          the Container Security Initiative.

1           (i) *ANNUAL DISCUSSIONS.*—*The Secretary, in coordi-*  
2 *nation with the appropriate Federal officials, shall hold an-*  
3 *ual discussions with foreign governments of countries in*  
4 *which foreign seaports designated under the Container Se-*  
5 *curity Initiative are located regarding best practices, tech-*  
6 *nical assistance, training needs, and technological develop-*  
7 *ments that will assist in ensuring the efficient and secure*  
8 *movement of international cargo.*

9           (j) *LESSER RISK PORT.*—*The Secretary, acting*  
10 *through the Commissioner, may treat cargo loaded in a for-*  
11 *ign seaport designated under the Container Security Ini-*  
12 *tiative as presenting a lesser risk than similar cargo loaded*  
13 *in a foreign seaport that is not designated under the Con-*  
14 *tainer Security Initiative, for the purpose of clearing such*  
15 *cargo into the United States.*

16           (k) *REPORT.*—

17                 (1) *IN GENERAL.*—*Not later than September 30,*  
18 *2007, the Secretary, acting through the Commissioner,*  
19 *shall, in consultation with other appropriate govern-*  
20 *ment officials and the Commercial Operations Advi-*  
21 *sory Committee, submit a report to the appropriate*  
22 *congressional committee on the effectiveness of, and*  
23 *the need for any improvements to, the Container Se-*  
24 *curity Initiative. The report shall include—*

1           (A) a description of the technical assistance  
2 delivered to, as well as needed at, each des-  
3 igned seaport;

4           (B) a description of the human capital  
5 management plan at each designated seaport;

6           (C) a summary of the requests made by the  
7 United States to foreign governments to conduct  
8 physical or nonintrusive inspections of cargo at  
9 designated seaports, and whether each such re-  
10 quest was granted or denied by the foreign gov-  
11 ernment;

12           (D) an assessment of the effectiveness of  
13 screening, scanning, and inspection protocols  
14 and technologies utilized at designated seaports  
15 and the effect on the flow of commerce at such  
16 seaports, as well as any recommendations for  
17 improving the effectiveness of screening, scan-  
18 ning, and inspection protocols and technologies  
19 utilized at designated seaports;

20           (E) a description and assessment of the out-  
21 come of any security incident involving a foreign  
22 seaport designated under the Container Security  
23 Initiative; and

24           (F) a summary and assessment of the ag-  
25 gregate number and extent of trade compliance

1           *lapses at each seaport designated under the Con-*  
2           *tainer Security Initiative.*

3           (2) *UPDATED REPORT.*—*Not later than Sep-*  
4           *tember 30, 2010, the Secretary, acting through the*  
5           *Commissioner, shall, in consultation with other ap-*  
6           *propriate government officials and the Commercial*  
7           *Operations Advisory Committee, submit an updated*  
8           *report to the appropriate congressional committees on*  
9           *the effectiveness of, and the need for any improve-*  
10          *ments to, the Container Security Initiative. The up-*  
11          *dated report shall address each of the elements re-*  
12          *quired to be included in the report provided for under*  
13          *paragraph (1).*

14          (1) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
15          *authorized to be appropriated to the United States Customs*  
16          *and Border Protection in the Department of Homeland Se-*  
17          *curity to carry out the provisions of this section—*

18                 (1) *\$144,000,000 for fiscal year 2008;*

19                 (2) *\$146,000,000 for fiscal year 2009; and*

20                 (3) *\$153,300,000 for fiscal year 2010.*

21                 ***Subtitle B—Customs-Trade***  
22                 ***Partnership Against Terrorism***

23                 ***SEC. 211. ESTABLISHMENT.***

24                 (a) *ESTABLISHMENT.*—*The Secretary, acting through*  
25                 *the Commissioner, is authorized to establish a voluntary*

1 *government-private sector program (to be known as the*  
2 *“Customs-Trade Partnership Against Terrorism” or “C-*  
3 *TPAT”)* to strengthen and improve the overall security of  
4 *the international supply chain and United States border*  
5 *security, and to facilitate the movement of secure cargo*  
6 *through the international supply chain, by providing bene-*  
7 *fits to participants meeting or exceeding the program re-*  
8 *quirements. Participants in C-TPAT shall include tier 1*  
9 *participants, tier 2 participants, and tier 3 participants.*

10 (b) *MINIMUM SECURITY REQUIREMENTS.—The Sec-*  
11 *retary, acting through the Commissioner, shall review the*  
12 *minimum security requirements of C-TPAT at least once*  
13 *every year and update such requirements as necessary.*

14 **SEC. 212. ELIGIBLE ENTITIES.**

15 *Importers, customs brokers, forwarders, air, sea, land*  
16 *carriers, contract logistics providers, and other entities in*  
17 *the international supply chain and intermodal transpor-*  
18 *tation system are eligible to apply to voluntarily enter into*  
19 *partnerships with the Department under C-TPAT.*

20 **SEC. 213. MINIMUM REQUIREMENTS.**

21 *An applicant seeking to participate in C-TPAT*  
22 *shall—*

23 (1) *demonstrate a history of moving cargo in the*  
24 *international supply chain;*

1           (2) *conduct an assessment of its supply chain*  
2           *based upon security criteria established by the Sec-*  
3           *retary, acting through the Commissioner, including—*

4                   (A) *business partner requirements;*

5                   (B) *container security;*

6                   (C) *physical security and access controls;*

7                   (D) *personnel security;*

8                   (E) *procedural security;*

9                   (F) *security training and threat awareness;*

10           *and*

11                   (G) *information technology security;*

12           (3) *implement and maintain security measures*  
13           *and supply chain security practices meeting security*  
14           *criteria established by the Commissioner; and*

15           (4) *meet all other requirements established by the*  
16           *Commissioner in consultation with the Commercial*  
17           *Operations Advisory Committee.*

18 **SEC. 214. TIER 1 PARTICIPANTS IN C-TPAT.**

19           (a) *BENEFITS.—The Secretary, acting through the*  
20           *Commissioner, shall offer limited benefits to a tier 1 partic-*  
21           *ipant who has been certified in accordance with the guide-*  
22           *lines referred to in subsection (b). Such benefits may include*  
23           *a reduction in the score assigned pursuant to the Automated*  
24           *Targeting System of not greater than 20 percent of the high*  
25           *risk threshold established by the Secretary.*

1       (b) *GUIDELINES.*—Not later than 180 days after the  
2 date of the enactment of this Act, the Secretary, acting  
3 through the Commissioner, shall update the guidelines for  
4 certifying a C-TPAT participant's security measures and  
5 supply chain security practices under this section. Such  
6 guidelines shall include a background investigation and ex-  
7 tensive documentation review.

8       (c) *TIME FRAME.*—To the extent practicable, the Sec-  
9 retary, acting through the Commissioner, shall complete the  
10 tier 1 certification process within 90 days of receipt of an  
11 application for participation in C-TPAT.

12 **SEC. 215. TIER 2 PARTICIPANTS IN C-TPAT.**

13       (a) *VALIDATION.*—The Secretary, acting through the  
14 Commissioner, shall validate the security measures and  
15 supply chain security practices of a tier 1 participant in  
16 accordance with the guidelines referred to in subsection (c).  
17 Such validation shall include on-site assessments at appro-  
18 priate foreign locations utilized by the tier 1 participant  
19 in its supply chain and shall, to the extent practicable, be  
20 completed not later than 1 year after certification as a tier  
21 1 participant.

22       (b) *BENEFITS.*—The Secretary, acting through the  
23 Commissioner, shall extend benefits to each C-TPAT par-  
24 ticipant that has been validated as a tier 2 participant  
25 under this section, which may include—



1           (1) *reduced scores in the Automated Targeting*  
2     *System;*

3           (2) *reduced examinations of cargo; and*

4           (3) *priority searches of cargo.*

5           (c) *GUIDELINES.—Not later than 180 days after the*  
6 *date of the enactment of this Act, the Secretary, acting*  
7 *through the Commissioner, shall develop a schedule and up-*  
8 *date the guidelines for validating a participant’s security*  
9 *measures and supply chain security practices under this*  
10 *section.*

11 **SEC. 216. TIER 3 PARTICIPANTS IN C-TPAT.**

12           (a) *IN GENERAL.—The Secretary, acting through the*  
13 *Commissioner, shall establish a third tier of C-TPAT par-*  
14 *ticipation that offers additional benefits to participants*  
15 *who demonstrate a sustained commitment to maintaining*  
16 *security measures and supply chain security practices that*  
17 *exceed the guidelines established for validation as a tier 2*  
18 *participant in C-TPAT under section 215 of this Act.*

19           (b) *CRITERIA.—The Secretary, acting through the*  
20 *Commissioner, shall designate criteria for validating a C-*  
21 *TPAT participant as a tier 3 participant under this sec-*  
22 *tion. Such criteria may include—*

23           (1) *compliance with any additional guidelines*  
24     *established by the Secretary that exceed the guidelines*  
25     *established pursuant to section 215 of this Act for*

1       *validating a C-TPAT participant as a tier 2 partici-*  
2       *part, particularly with respect to controls over access*  
3       *to cargo throughout the supply chain;*

4             (2) *voluntary submission of additional informa-*  
5       *tion regarding cargo prior to loading, as determined*  
6       *by the Secretary;*

7             (3) *utilization of container security devices and*  
8       *technologies that meet standards and criteria estab-*  
9       *lished by the Secretary; and*

10            (4) *compliance with any other cargo require-*  
11       *ments established by the Secretary.*

12       (c) *BENEFITS.—The Secretary, acting through the*  
13       *Commissioner, in consultation with the Commercial Oper-*  
14       *ations Advisory Committee and the National Maritime Se-*  
15       *curity Advisory Committee, shall extend benefits to each C-*  
16       *TPAT participant that has been validated as a tier 3 par-*  
17       *ticipant under this section, which may include—*

18            (1) *the expedited release of a tier 3 participant's*  
19       *cargo in destination ports within the United States*  
20       *during all threat levels designated by the Secretary;*

21            (2) *in addition to the benefits available to tier*  
22       *2 participants—*

23                (A) *further reduction in examinations of*  
24       *cargo;*

25                (B) *priority for examinations of cargo; and*

1           (C) further reduction in the risk score as-  
2           signed pursuant to the Automated Targeting  
3           System;

4           (3) notification of specific alerts and post-inci-  
5           dent procedures to the extent such notification does  
6           not compromise the security interests of the United  
7           States; and

8           (4) inclusion in joint incident management exer-  
9           cises, as appropriate.

10          (d) *DEADLINE.*—Not later than 2 years after the date  
11          of the enactment of this Act, the Secretary, acting through  
12          the Commissioner, shall designate appropriate criteria pur-  
13          suant to subsection (b) and provide benefits to validated  
14          tier 3 participants pursuant to subsection (c).

15          **SEC. 217. CONSEQUENCES FOR LACK OF COMPLIANCE.**

16          (a) *IN GENERAL.*—If at any time a C-TPAT partici-  
17          pant's security measures and supply chain security prac-  
18          tices fail to meet any of the requirements under this subtitle,  
19          the Commissioner may deny the participant benefits other-  
20          wise available under this subtitle, in whole or in part.

21          (b) *FALSE OR MISLEADING INFORMATION.*—If a C-  
22          TPAT participant knowingly provides false or misleading  
23          information to the Commissioner during the validation  
24          process provided for under this subtitle, the Commissioner  
25          shall suspend or expel the participant from C-TPAT for

1 *an appropriate period of time. The Commissioner may pub-*  
2 *lish in the Federal Register a list of participants who have*  
3 *been suspended or expelled from C-TPAT pursuant to this*  
4 *subsection, and may make such list available to C-TPAT*  
5 *participants.*

6 (c) *RIGHT OF APPEAL.—*

7 (1) *IN GENERAL.—A C-TPAT participant may*  
8 *appeal a decision of the Commissioner pursuant to*  
9 *subsection (a). Such appeal shall be filed with the*  
10 *Secretary not later than 90 days after the date of the*  
11 *decision, and the Secretary shall issue a determina-*  
12 *tion not later than 180 days after the appeal is filed.*

13 (2) *APPEALS OF OTHER DECISIONS.—A C-TPAT*  
14 *participant may appeal a decision of the Commis-*  
15 *sioner pursuant to subsection (b). Such appeal shall*  
16 *be filed with the Secretary not later than 30 days*  
17 *after the date of the decision, and the Secretary shall*  
18 *issue a determination not later than 180 days after*  
19 *the appeal is filed.*

20 **SEC. 218. REVALIDATION.**

21 *The Secretary, acting through the Commissioner, shall*  
22 *develop and implement—*

23 (1) *a revalidation process for tier 2 and tier 3*  
24 *participants;*

1           (2) *a framework based upon objective criteria for*  
2           *identifying participants for periodic revalidation not*  
3           *less frequently than once during each 5-year period*  
4           *following the initial validation; and*

5           (3) *an annual plan for revalidation that*  
6           *includes—*

7                   (A) *performance measures;*

8                   (B) *an assessment of the personnel needed to*  
9                   *perform the revalidations; and*

10                   (C) *the number of participants that will be*  
11                   *revalidated during the following year.*

12 **SEC. 219. NONCONTAINERIZED CARGO.**

13           *The Secretary, acting through the Commissioner, shall*  
14           *consider the potential for participation in C-TPAT by im-*  
15           *porters of noncontainerized cargoes that otherwise meet the*  
16           *requirements under this subtitle.*

17 **SEC. 220. C-TPAT PROGRAM MANAGEMENT.**

18           (a) *IN GENERAL.—The Secretary, acting through the*  
19           *Commissioner, shall establish sufficient internal quality*  
20           *controls and record management to support the manage-*  
21           *ment systems of C-TPAT. In managing the program, the*  
22           *Secretary shall ensure that the program includes:*

23                   (1) *STRATEGIC PLAN.—A 5-year plan to identify*  
24                   *outcome-based goals and performance measures of the*  
25                   *program.*

1           (2) *ANNUAL PLAN.*—*An annual plan for each fis-*  
2           *cal year designed to match available resources to the*  
3           *projected workload.*

4           (3) *STANDARDIZED WORK PROGRAM.*—*A stand-*  
5           *ardized work program to be used by agency personnel*  
6           *to carry out the certifications, validations, and re-*  
7           *validations of participants. The Secretary shall keep*  
8           *records and monitor staff hours associated with the*  
9           *completion of each such review.*

10          (b) *DOCUMENTATION OF REVIEWS.*—*The Secretary,*  
11          *acting through the Commissioner, shall maintain a record*  
12          *management system to document determinations on the re-*  
13          *views of each C-TPAT participant, including certifications,*  
14          *validations, and revalidations.*

15          (c) *CONFIDENTIAL INFORMATION SAFEGUARDS.*—*In*  
16          *consultation with the Commercial Operations Advisory*  
17          *Committee, the Secretary, acting through the Commissioner,*  
18          *shall develop and implement procedures to ensure the pro-*  
19          *tection of confidential data collected, stored, or shared with*  
20          *government agencies or as part of the application, certifi-*  
21          *cation, validation, and revalidation processes.*

22          **SEC. 221. RESOURCE MANAGEMENT STAFFING PLAN.**

23          *The Secretary, acting through the Commissioner,*  
24          *shall—*

1           (1) *develop a staffing plan to recruit and train*  
2           *staff (including a formalized training program) to*  
3           *meet the objectives identified in the strategic plan of*  
4           *the C-TPAT program; and*

5           (2) *provide cross-training in post-incident trade*  
6           *resumption for personnel who administer the C-*  
7           *TPAT program.*

8   **SEC. 222. ADDITIONAL PERSONNEL.**

9           *In each of the fiscal years 2007 through 2009, the Com-*  
10          *missioner shall increase by not less than 50 the number of*  
11          *full-time personnel engaged in the validation and revalida-*  
12          *tion of C-TPAT participants (over the number of such per-*  
13          *sonnel on the last day of the previous fiscal year), and shall*  
14          *provide appropriate training and support to such addi-*  
15          *tional personnel.*

16   **SEC. 223. AUTHORIZATION OF APPROPRIATIONS.**

17          (a) *C-TPAT.—There are authorized to be appro-*  
18          *priated to the United States Customs and Border Protection*  
19          *in the Department of Homeland Security to carry out the*  
20          *provisions of sections 211 through 221 to remain available*  
21          *until expended—*

22                 (1) *\$65,000,000 for fiscal year 2008;*

23                 (2) *\$72,000,000 for fiscal year 2009; and*

24                 (3) *\$75,600,000 for fiscal year 2010.*

1       (b) *ADDITIONAL PERSONNEL.*—*In addition to any*  
2 *monies hereafter appropriated to the United States Customs*  
3 *and Border Protection in the Department of Homeland Se-*  
4 *curity, there are authorized to be appropriated for the pur-*  
5 *pose of meeting the staffing requirement provided for in sec-*  
6 *tion 222, to remain available until expended—*

7           (1) \$8,500,000 for fiscal year 2007;

8           (2) \$17,600,000 for fiscal year 2008;

9           (3) \$27,300,000 for fiscal year 2009;

10          (4) \$28,300,000 for fiscal year 2010; and

11          (5) \$29,200,000 for fiscal year 2011.

12 **SEC. 224. REPORT TO CONGRESS.**

13       *In connection with the President’s annual budget sub-*  
14 *mission for the Department of Homeland Security, the Sec-*  
15 *retary shall report to the appropriate congressional commit-*  
16 *tees on the progress made by the Commissioner to certify,*  
17 *validate, and revalidate C-TPAT participants. Such report*  
18 *shall be due on the same date that the President’s budget*  
19 *is submitted to the Congress.*

20                   ***Subtitle C—Miscellaneous***  
21                   ***Provisions***

22 **SEC. 231. PILOT INTEGRATED SCANNING SYSTEM.**

23       (a) *DESIGNATIONS.*—*Not later than 90 days after the*  
24 *date of the enactment of this Act, the Secretary shall des-*  
25 *ignate 3 foreign seaports through which containers pass or*



1 *are transshipped to the United States for the establishment*  
2 *of pilot integrated scanning systems that couple nonintru-*  
3 *sive imaging equipment and radiation detection equipment.*  
4 *In making the designations under this paragraph, the Sec-*  
5 *retary shall consider 3 distinct ports with unique features*  
6 *and differing levels of trade volume.*

7 *(b) COLLABORATION AND COOPERATION.—*

8 *(1) IN GENERAL.—The Secretary shall collabo-*  
9 *rate with the Secretary of Energy and cooperate with*  
10 *the private sector and the foreign government of each*  
11 *country in which a foreign seaport is designated pur-*  
12 *suant to subsection (a) to implement the pilot sys-*  
13 *tems.*

14 *(2) COORDINATION.—The Secretary shall coordi-*  
15 *nate with the Secretary of Energy to—*

16 *(A) provide radiation detection equipment*  
17 *required to support the pilot-integrated scanning*  
18 *system established pursuant to subsection (a)*  
19 *through the Department of Energy’s Second Line*  
20 *of Defense and Megaports programs; or*

21 *(B) work with the private sector to obtain*  
22 *radiation detection equipment that meets both*  
23 *the Department’s and the Department of Ener-*  
24 *gy’s technical specifications for such equipment.*

1           (c) *IMPLEMENTATION.*—Not later than 1 year after the  
2 date of the enactment of this Act, the Secretary shall achieve  
3 a full-scale implementation of the pilot integrated screening  
4 system, which shall—

5           (1) scan all containers destined for the United  
6 States that transit through the port;

7           (2) electronically transmit the images and infor-  
8 mation to the container security initiative personnel  
9 in the host country and customs personnel in the  
10 United States for evaluation and analysis;

11           (3) resolve every radiation alarm according to  
12 established Department procedures;

13           (4) utilize the information collected to enhance  
14 the Automated Targeting System or other relevant  
15 programs; and

16           (5) store the information for later retrieval and  
17 analysis.

18           (d) *REPORT.*—Not later than 120 days after achieving  
19 full-scale implementation under subsection (c), the Sec-  
20 retary, in consultation with the Secretary of Energy and  
21 the Secretary of State, shall submit a report to the appro-  
22 priate congressional committees, that includes—

23           (1) an evaluation of the lessons derived from the  
24 pilot system implemented under this subsection;

1           (2) *an analysis of the efficacy of the Automated*  
2           *Targeting System or other relevant programs in uti-*  
3           *lizing the images captured to examine high-risk con-*  
4           *tainers;*

5           (3) *an evaluation of software that is capable of*  
6           *automatically identifying potential anomalies in*  
7           *scanned containers;*

8           (4) *an analysis of the need and feasibility of ex-*  
9           *panding the integrated scanning system to other con-*  
10          *tainer security initiative ports, including—*

11           (A) *an analysis of the infrastructure re-*  
12          *quirements;*

13           (B) *a projection of the effect on current av-*  
14          *erage processing speed of containerized cargo;*

15           (C) *an evaluation of the scalability of the*  
16          *system to meet both current and future forecasted*  
17          *trade flows;*

18           (D) *the ability of the system to automati-*  
19          *cally maintain and catalog appropriate data for*  
20          *reference and analysis in the event of a transpor-*  
21          *tation disruption;*

22           (E) *an analysis of requirements to install*  
23          *and maintain an integrated scanning system;*



1           (2) *ACQUISITION AND TRAINING.*—Unless other-  
2           wise prohibited by law, the Secretary may—

3                   (A) lease, loan, provide, or otherwise assist  
4                   in the deployment of nonintrusive inspection and  
5                   handheld radiation detection equipment at for-  
6                   eign land and sea ports under such terms and  
7                   conditions as the Secretary prescribes, including  
8                   nonreimbursable loans or the transfer of owner-  
9                   ship of equipment; and

10                   (B) provide training and technical assist-  
11                   ance for domestic or foreign personnel responsible  
12                   for operating or maintaining such equipment.

13           (b) *ACTIONS AND ASSISTANCE FOR FOREIGN PORTS.*—  
14           Section 70110 of title 46, United States Code, is amended—

15                   (1) by striking the section header and inserting  
16                   the following:

17           “**§ 70110. Actions and assistance for foreign ports**”

18           ; and

19                   (2) by adding at the end the following:

20                   “(e) *ASSISTANCE FOR FOREIGN PORTS.*—

21                   “(1) *IN GENERAL.*—The Secretary, in consulta-  
22                   tion with the Secretary of Transportation, the Sec-  
23                   retary of State, and the Secretary of Energy, shall  
24                   identify foreign assistance programs that could facili-  
25                   tate implementation of port security antiterrorism

1        *measures in foreign countries. The Secretary shall es-*  
2        *tablish a program to utilize the programs that are ca-*  
3        *pable of implementing port security antiterrorism*  
4        *measures at ports in foreign countries that the Sec-*  
5        *retary finds, under section 70108, to lack effective*  
6        *antiterrorism measures.*

7                *“(2) CARIBBEAN BASIN.—The Secretary, in co-*  
8        *ordination with the Secretary of State and in con-*  
9        *sultation with the Organization of American States*  
10        *and the Commandant of the Coast Guard, shall place*  
11        *particular emphasis on utilizing programs to facili-*  
12        *tate the implementation of port security antiterrorism*  
13        *measures at the ports located in the Caribbean Basin,*  
14        *as such ports pose unique security and safety threats*  
15        *to the United States due to—*

16                *“(A) the strategic location of such ports be-*  
17        *tween South America and the United States;*

18                *“(B) the relative openness of such ports; and*

19                *“(C) the significant number of shipments of*  
20        *narcotics to the United States that are moved*  
21        *through such ports.”.*

22        *(c) REPORT ON SECURITY AT PORTS IN THE CARIB-*  
23        *BEAN BASIN.—*

24                *(1) IN GENERAL.—Not later than 180 days after*  
25        *the date of the enactment of this Act, the Comptroller*

1       *General of the United States shall submit a report to*  
2       *the appropriate congressional committees on the secu-*  
3       *rity of ports in the Caribbean Basin.*

4               (2) *CONTENTS.—The report submitted under*  
5       *paragraph (1)—*

6               (A) *shall include—*

7                       (i) *an assessment of the effectiveness of*  
8                       *the measures employed to improve security*  
9                       *at ports in the Caribbean Basin and rec-*  
10                      *ommendations for any additional measures*  
11                      *to improve such security;*

12                     (ii) *an estimate of the number of ports*  
13                     *in the Caribbean Basin that will not be se-*  
14                     *cured by January 1, 2007;*

15                     (iii) *an estimate of the financial im-*  
16                     *act in the United States of any action*  
17                     *taken pursuant to section 70110 of title 46,*  
18                     *United States Code, that affects trade be-*  
19                     *tween such ports and the United States; and*

20                     (iv) *an assessment of the additional re-*  
21                     *sources and program changes that are nec-*  
22                     *essary to maximize security at ports in the*  
23                     *Caribbean Basin; and*

24               (B) *may be submitted in both classified and*  
25       *redacted formats.*

1           (d) *CLERICAL AMENDMENT.*—*The chapter analysis for*  
 2 *chapter 701 of title 46, United States Code, is amended by*  
 3 *striking the item relating to section 70110 and inserting*  
 4 *the following:*

“70110. *Actions and assistance for foreign ports.*”.

5 **SEC. 233. SCREENING AND SCANNING OF CARGO CON-**  
 6 **TAINERS.**

7           (a) *100 PERCENT SCREENING OF CARGO CONTAINERS*  
 8 *AND 100 PERCENT SCANNING OF HIGH-RISK CON-*  
 9 *TAINERS.*—

10           (1) *SCREENING OF CARGO CONTAINERS.*—*The*  
 11 *Secretary shall ensure that 100 percent of the cargo*  
 12 *containers entering the United States through a sea-*  
 13 *port undergo a screening to identify high-risk con-*  
 14 *tainers.*

15           (2) *SCANNING OF HIGH-RISK CONTAINERS.*—*The*  
 16 *Secretary shall ensure that 100 percent of the con-*  
 17 *tainers that have been identified as high-risk are*  
 18 *scanned before such containers leave a United States*  
 19 *seaport facility.*

20           (b) *FULL-SCALE IMPLEMENTATION.*—*The Secretary,*  
 21 *in coordination with the Secretary of Energy and foreign*  
 22 *partners, shall fully deploy integrated scanning systems to*  
 23 *scan all containers entering the United States before such*  
 24 *containers arrive in the United States as soon as the Sec-*  
 25 *retary determines that the integrated scanning system—*





1       **(b) IN GENERAL.**—

2               **(1) RESOURCES TO COMPLETE INITIAL INSPEC-**  
3       **TIONS AND VALIDATION.**—*The Commandant of the*  
4       *Coast Guard shall increase the resources dedicated to*  
5       *the International Port Inspection Program and com-*  
6       *plete inspection of all foreign countries that trade*  
7       *with the United States, including the validation of*  
8       *compliance of such countries with the International*  
9       *Ship and Port Facility Security Code, not later than*  
10       *December 31, 2008. If the Commandant of the Coast*  
11       *Guard is unable to meet this objective, the Com-*  
12       *mandant of the Coast Guard shall report to Congress*  
13       *on the resources needed to meet the objective.*

14               **(2) REINSPECTION AND VALIDATION.**—*The Com-*  
15       *mandant of the Coast Guard shall maintain the per-*  
16       *sonnel and resources necessary to maintain a schedule*  
17       *of re-inspection of foreign countries every 2 years*  
18       *under the International Port Inspection Program.*

19       **(c) AUTHORIZATION OF APPROPRIATIONS.**—*There are*  
20       *authorized to be appropriated to the Coast Guard such sums*  
21       *as are necessary to carry out the provisions of this section,*  
22       *subject to the availability of appropriations.*

23       **SEC. 235. CARGO SCREENING.**

24       **(a) RADIATION RISK REDUCTION.**—

1           (1) *SAFETY PROTOCOLS.*—Immediately upon  
2           *passage of this Act, the Secretary, in consultation*  
3           *with the Secretary of Labor and the Director of the*  
4           *National Institute of Occupational Safety and Health*  
5           *at the Centers for Disease Control, shall develop and*  
6           *implement protocols to protect the safety of port work-*  
7           *ers and the general public.*

8           (2) *PUBLICATION.*—The protocols developed  
9           under paragraph (1) shall be—

10           (A) *published and made available for public*  
11           *comment; and*

12           (B) *designed to reduce the short- and long-*  
13           *term exposure of worker and the public to the*  
14           *lowest levels feasible.*

15           (3) *REPORT.*—Not later than 1 year after the  
16           *implementation of protocols under paragraph (1), the*  
17           *Council of the National Academy of Sciences and Di-*  
18           *rector of the National Institute of Occupational Safe-*  
19           *ty and Health shall each submit a report to Congress*  
20           *that includes—*

21           (A) *information regarding the exposure of*  
22           *workers and the public and the possible risk to*  
23           *their health and safety, if any, posed by these*  
24           *screening procedures; and*

1           (B) any recommendations for modification  
2           of the cargo screening protocols to reduce expo-  
3           sure to ionizing or non-ionizing radiation to the  
4           lowest levels feasible.

5           (b) *GOVERNMENT RESPONSIBILITY.*—Any employer of  
6           an employee who has an illness or injury for which exposure  
7           to ionizing or non-ionizing radiation from port cargo  
8           screening procedures required under Federal law is a con-  
9           tributing cause may seek, and shall receive, full reimburse-  
10          ment from the Federal Government for additional costs as-  
11          sociated with such illness or injury, including costs in-  
12          curred by the employer under the Longshore and Harbor  
13          Workers’ Compensation Act (33 U.S.C. 901 et seq.), State  
14          workers’ compensation laws, or other equivalent programs.

### 15           **TITLE III—ADMINISTRATION**

#### 16          **SEC. 301. OFFICE OF CARGO SECURITY POLICY.**

17          (a) *ESTABLISHMENT.*—Subtitle C of title IV of the  
18          Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is  
19          amended by adding at the end the following:

#### 20          **“SEC. 431. OFFICE OF CARGO SECURITY POLICY.**

21                 “(a) *ESTABLISHMENT.*—There is established within  
22          the Department an Office of Cargo Security Policy (referred  
23          to in this section as the ‘Office’).

24                 “(b) *PURPOSE.*—The Office shall—

1           “(1) coordinate all Department policies relating  
2 to cargo security; and

3           “(2) consult with stakeholders and coordinate  
4 with other Federal agencies in the establishment of  
5 standards and regulations and to promote best prac-  
6 tices.

7           “(c) *DIRECTOR.*—

8           “(1) *APPOINTMENT.*—The Office shall be headed  
9 by a Director, who shall—

10           “(A) be appointed by the Secretary; and

11           “(B) report to the Assistant Secretary for  
12 Policy.

13           “(2) *RESPONSIBILITIES.*—The Director shall—

14           “(A) advise the Assistant Secretary for Pol-  
15 icy in the development of Department-wide poli-  
16 cies regarding cargo security;

17           “(B) coordinate all policies relating to  
18 cargo security among the agencies and offices  
19 within the Department relating to cargo secu-  
20 rity; and

21           “(C) coordinate the cargo security policies  
22 of the Department with the policies of other exec-  
23 utive agencies.”.

24           “(b) *DESIGNATION OF LIAISON OFFICE OF DEPART-*  
25 *MENT OF STATE.*—The Secretary of State shall designate

1 *a liaison office within the Department of State to assist*  
 2 *the Secretary, as appropriate, in negotiating cargo security*  
 3 *related international agreements.*

4 (c) *CLERICAL AMENDMENT.*—*The table of contents of*  
 5 *the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)*  
 6 *is amended by inserting after the item relating to section*  
 7 *430 the following:*

*“Sec. 431. Office of cargo security policy.”.*

8 **SEC. 302. REAUTHORIZATION OF HOMELAND SECURITY**  
 9 **SCIENCE AND TECHNOLOGY ADVISORY COM-**  
 10 **MITTEE.**

11 (a) *IN GENERAL.*—*Section 311(j) of the Homeland Se-*  
 12 *curity Act of 2002 (6 U.S.C. 191(j)) is amended by striking*  
 13 *“3 years after the effective date of this Act” and inserting*  
 14 *“on December 31, 2008”.*

15 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 16 *section (a) shall be effective as if enacted on the date of*  
 17 *the enactment of the Homeland Security Act of 2002 (6*  
 18 *U.S.C. 101 et seq.).*

19 (c) *ADVISORY COMMITTEE.*—*The Assistant Secretary*  
 20 *for Science and Technology shall utilize the Homeland Se-*  
 21 *curity Science and Technology Advisory Committee, as ap-*  
 22 *propriate, to provide outside expertise in advancing cargo*  
 23 *security technology.*

1 **SEC. 303. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
2 **TION EFFORTS IN FURTHERANCE OF MARI-**  
3 **TIME AND CARGO SECURITY.**

4 (a) *IN GENERAL.*—*The Secretary shall—*

5 (1) *direct research, development, test, and eval-*  
6 *uation efforts in furtherance of maritime and cargo*  
7 *security;*

8 (2) *coordinate with public and private sector en-*  
9 *tities to develop and test technologies and process in-*  
10 *novations in furtherance of these objectives; and*

11 (3) *evaluate such technologies.*

12 (b) *COORDINATION.*—*The Secretary, in coordination*  
13 *with the Under Secretary for Science and Technology, the*  
14 *Assistant Secretary for Policy, the Chief Financial Officer,*  
15 *and the heads of other appropriate offices or entities of the*  
16 *Department, shall ensure that—*

17 (1) *research, development, test, and evaluation*  
18 *efforts funded by the Department in furtherance of*  
19 *maritime and cargo security are coordinated within*  
20 *the Department and with other appropriate Federal*  
21 *agencies to avoid duplication of efforts; and*

22 (2) *the results of such efforts are shared through-*  
23 *out the Department and with other Federal, State,*  
24 *and local agencies, as appropriate.*

1 **SEC. 304. COBRA FEES.**

2 (a) *EXTENSION OF FEES.*—Subparagraphs (A) and  
3 (B)(i) of section 13031(j)(3) of the Consolidated Omnibus  
4 Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)  
5 and (B)(i)) are amended by striking “2014” each place it  
6 appears and inserting “2015”.

7 **SEC. 305. ESTABLISHMENT OF COMPETITIVE RESEARCH**  
8 **PROGRAM.**

9 (a) *IN GENERAL.*—Title III of the Homeland Security  
10 Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding  
11 at the end the following:

12 **“SEC. 314. COMPETITIVE RESEARCH PROGRAM.**

13 **“(a) IN GENERAL.**—

14 **“(1) ESTABLISHMENT.**—The Secretary, acting  
15 through the Under Secretary for Science and Tech-  
16 nology, shall establish a competitive research program  
17 within the Directorate.

18 **“(2) DIRECTOR.**—The program shall be headed  
19 by a Director, who shall be appointed by the Sec-  
20 retary. The Director shall report to the Under Sec-  
21 retary.

22 **“(3) DUTIES OF DIRECTOR.**—In the administra-  
23 tion of the program, the Director shall—

24 **“(A) establish a cofunding mechanism for**  
25 **States with academic facilities that have not**  
26 **fully developed security-related science and tech-**



1           *nology to support burgeoning research efforts by*  
2           *the faculty or link them to established investiga-*  
3           *tors;*

4           “(B) *provide for conferences, workshops,*  
5           *outreach, and technical assistance to researchers*  
6           *and institutions of higher education in States on*  
7           *topics related to developing science and tech-*  
8           *nology expertise in areas of high interest and rel-*  
9           *evance to the Department;*

10           “(C) *monitor the efforts of States to develop*  
11           *programs that support the Department’s mis-*  
12           *sion;*

13           “(D) *implement a merit review program,*  
14           *consistent with program objectives, to ensure the*  
15           *quality of research conducted with Program*  
16           *funding; and*

17           “(E) *provide annual reports on the progress*  
18           *and achievements of the Program to the Sec-*  
19           *retary.*

20           “(b) *ASSISTANCE UNDER THE PROGRAM.—*

21           “(1) *SCOPE.—The Director shall provide assist-*  
22           *ance under the program for research and development*  
23           *projects that are related to, or qualify as, homeland*  
24           *security research (as defined in section 307(a)(2))*  
25           *under the program.*

1           “(2) *FORM OF ASSISTANCE.*—*Assistance under*  
2           *the program can take the form of grants, contracts, or*  
3           *cooperative arrangements.*

4           “(3) *APPLICATIONS.*—*Applicants shall submit*  
5           *proposals or applications in such form, at such times,*  
6           *and containing such information as the Director may*  
7           *require.*

8           “(c) *IMPLEMENTATION.*—

9           “(1) *START-UP PHASES.*—*For the first 3 fiscal*  
10          *years beginning after the date of enactment of the*  
11          *Border Infrastructure and Technology Integration Act*  
12          *of 2004, assistance under the program shall be limited*  
13          *to institutions of higher education located in States*  
14          *in which an institution of higher education with a*  
15          *grant from, or a contract or cooperative agreement*  
16          *with, the National Science Foundation under section*  
17          *113 of the National Science Foundation Act of 1988*  
18          *(42 U.S.C. 1862) is located.*

19          “(2) *SUBSEQUENT FISCAL YEARS.*—

20                 “(A) *IN GENERAL.*—*Beginning with the 4th*  
21                 *fiscal year after the date of enactment of this*  
22                 *Act, the Director shall rank order the States (ex-*  
23                 *cluding any noncontiguous State (as defined in*  
24                 *section 2(14)) other than Alaska, Hawaii, the*  
25                 *Commonwealth of Puerto Rico, and the Virgin*

1        *Islands) in descending order in terms of the av-*  
2        *erage amount of funds received by institutions of*  
3        *higher education (as that term is defined in sec-*  
4        *tion 101(a) of the Higher Education Act of 1965*  
5        *(20 U.S.C. 1001(a)) in each State that received*  
6        *financial assistance in the form of grants, con-*  
7        *tracts, or cooperative arrangements under this*  
8        *title during each of the preceding 3 fiscal years.*

9                *“(B) ALLOCATION.—Beginning with the 4th*  
10        *fiscal year after the date of enactment of this*  
11        *Act, assistance under the program for any fiscal*  
12        *year is limited to institutions of higher edu-*  
13        *cation located in States in the lowest third of*  
14        *those ranked under subparagraph (A) for that*  
15        *fiscal year.*

16                *“(C) DETERMINATION OF LOCATION.—For*  
17        *purposes of this paragraph, an institution of*  
18        *higher education shall be considered to be located*  
19        *in the State in which its home campus is lo-*  
20        *cated, except that assistance provided under the*  
21        *program to a division, institute, or other facility*  
22        *located in another State for use in that State*  
23        *shall be considered to have been provided to an*  
24        *institution of higher education located in that*  
25        *other State.*

1           “(D) *MULTIYEAR ASSISTANCE.*—*For pur-*  
 2           *poses of this paragraph, assistance under the*  
 3           *program that is provided on a multi-year basis*  
 4           *shall be counted as provided in each such year*  
 5           *in the amount so provided for that year.*

6           “(d) *FUNDING.*—*The Secretary shall ensure, subject to*  
 7           *the availability of appropriations, that up to 5 percent of*  
 8           *the amount appropriated for each fiscal year to the Accel-*  
 9           *eration Fund for Research and Development of Homeland*  
 10          *Security Technologies established by section 307(c)(1) is al-*  
 11          *located to the program established by subsection (a).*

12          “(e) *REPORT.*—*The Secretary shall submit an annual*  
 13          *report to the appropriate congressional committees detail-*  
 14          *ing the funds expended for the Acceleration Fund for Re-*  
 15          *search and Development of Homeland Security Technologies*  
 16          *established by section 307(c)(1).”.*

17          “(b) *CONFORMING AMENDMENT.*—*The table of contents*  
 18          *of the Homeland Security Act of 2002 is amended by insert-*  
 19          *ing after the item relating to section 313 the following:*

          “*Sec. 314. Competitive research program.*”.

20          **TITLE IV—AGENCY RESOURCES**  
 21                                   **AND OVERSIGHT**

22          **SEC. 401. OFFICE OF INTERNATIONAL TRADE.**

23           *Section 2 of the Act of March 3, 1927 (44 Stat. 1381,*  
 24           *chapter 348; 19 U.S.C. 2072), is amended by adding at the*  
 25           *end the following:*

1 “(d) *OFFICE OF INTERNATIONAL TRADE.*—

2 “(1) *ESTABLISHMENT.*—*There is established*  
3 *within the United States Customs and Border Protec-*  
4 *tion an Office of International Trade that shall be*  
5 *headed by an Assistant Commissioner.*

6 “(2) *TRANSFER OF ASSETS, FUNCTIONS, AND*  
7 *PERSONNEL; ELIMINATION OF OFFICES.*—

8 “(A) *OFFICE OF STRATEGIC TRADE.*—*Not*  
9 *later than 90 days after the date of the enact-*  
10 *ment of the Port Security Improvement Act of*  
11 *2006, the Commissioner shall transfer the assets,*  
12 *functions, and personnel of the Office of Stra-*  
13 *tegic Trade to the Office of International Trade*  
14 *established pursuant to paragraph (1) and the*  
15 *Office of Strategic Trade shall be abolished.*

16 “(B) *OFFICE OF REGULATIONS AND RUL-*  
17 *INGS.*—*Not later than 90 days after the date of*  
18 *the enactment of the Port Security Improvement*  
19 *Act of 2006, the Commissioner shall transfer the*  
20 *assets, functions, and personnel of the Office of*  
21 *Regulations and Rulings to the Office of Inter-*  
22 *national Trade established pursuant to para-*  
23 *graph (1) and the Office of Regulations and Rul-*  
24 *ings shall be abolished.*

1           “(C) *OTHER TRANSFERS.*—*The Commis-*  
2           *sioner is authorized to transfer any other assets,*  
3           *functions, or personnel within the United States*  
4           *Customs and Border Protection to the Office of*  
5           *International Trade established pursuant to*  
6           *paragraph (1). Not later than 30 days after each*  
7           *such transfer, the Commissioner shall notify the*  
8           *Committee on Appropriations, the Committee on*  
9           *Finance, and the Committee on Homeland Secu-*  
10           *rity and Governmental Affairs of the Senate and*  
11           *the Committee on Appropriations, the Committee*  
12           *on Homeland Security, and the Committee on*  
13           *Ways and Means of the House of Representatives*  
14           *of the specific assets, functions, or personnel, that*  
15           *were transferred, and the reason for such trans-*  
16           *fer.*

17           “(e) *INTERNATIONAL TRADE POLICY COMMITTEE.*—

18           “(1) *ESTABLISHMENT.*—*The Commissioner shall*  
19           *establish an International Trade Policy Committee, to*  
20           *be chaired by the Commissioner, and to include the*  
21           *Deputy Commissioner, the Assistant Commissioner in*  
22           *the Office of Field Operations, the Assistant Commis-*  
23           *sioner in the Office of International Affairs, the As-*  
24           *stant Commissioner in the Office of International*

1       *Trade, and the Director of the Office of Trade Rela-*  
2       *tions.*

3               “(2) *RESPONSIBILITIES.*—*The International*  
4       *Trade Policy Committee shall—*

5                       “(A) *be responsible for advising the Com-*  
6                       *missioner with respect to the commercial customs*  
7                       *and trade facilitation functions of the United*  
8                       *States Customs and Border Protection; and*

9                       “(B) *assist the Commissioner in coordi-*  
10                      *nating with the Assistant Secretary for Policy*  
11                      *regarding commercial customs and trade facili-*  
12                      *tation functions.*

13               “(3) *ANNUAL REPORT.*—*Not later than 30 days*  
14       *after the end of each fiscal year, the International*  
15       *Trade Policy Committee shall submit a report to the*  
16       *Committee on Finance of the Senate and the Com-*  
17       *mittee on Ways and Means of the House of Represent-*  
18       *atives. The report shall—*

19                      “(A) *detail the activities of the Inter-*  
20                      *national Trade Policy Committee during the*  
21                      *preceding fiscal year; and*

22                      “(B) *identify the priorities of the Inter-*  
23                      *national Trade Policy Committee for the fiscal*  
24                      *year in which the report is filed.*

25               “(f) *INTERNATIONAL TRADE FINANCE COMMITTEE.*—

1           “(1) *ESTABLISHMENT.*—*The Commissioner shall*  
2           *establish an International Trade Finance Committee,*  
3           *to be chaired by the Commissioner, and to include the*  
4           *Deputy Commissioner, the Assistant Commissioner in*  
5           *the Office of Finance, the Assistant Commissioner in*  
6           *the Office of International Trade, and the Director of*  
7           *the Office of Trade Relations.*

8           “(2) *RESPONSIBILITIES.*—*The Trade Finance*  
9           *Committee shall be responsible for overseeing the oper-*  
10          *ation of all programs and systems that are involved*  
11          *in the assessment and collection of duties, bonds, and*  
12          *other charges or penalties associated with the entry of*  
13          *cargo into the United States, or the export of cargo*  
14          *from the United States, including the administration*  
15          *of duty drawback and the collection of antidumping*  
16          *and countervailing duties.*

17          “(3) *ANNUAL REPORT.*—*Not later than 30 days*  
18          *after the end of each fiscal year, the Trade Finance*  
19          *Committee shall submit a report to the Committee on*  
20          *Finance of the Senate and the Committee on Ways*  
21          *and Means of the House of Representatives. The re-*  
22          *port shall—*

23                  “(A) *detail the activities and findings of the*  
24                  *Trade Finance Committee during the preceding*  
25                  *fiscal year; and*



1                   “(B) identify the priorities of the Trade Fi-  
2                   nance Committee for the fiscal year in which the  
3                   report is filed.

4                   “(g) DEFINITION.—In this section, the term ‘Commis-  
5                   sioner’ means the Commissioner responsible for the United  
6                   States Customs and Border Protection in the Department  
7                   of Homeland Security.”.

8                   **SEC. 402. RESOURCES.**

9                   Section 301 of the Customs Procedural Reform and  
10                  Simplification Act of 1978 (19 U.S.C. 2075) is amended  
11                  by adding at the end the following:

12                  “(h) RESOURCE ALLOCATION MODEL.—

13                         “(1) RESOURCE ALLOCATION MODEL.—Not later  
14                         than June 30, 2007, and every 2 years thereafter, the  
15                         Commissioner shall prepare and submit to the Com-  
16                         mittee on Finance of the Senate and the Committee  
17                         on Ways and Means of the House of Representatives  
18                         a Resource Allocation Model to determine the optimal  
19                         staffing levels required to carry out the commercial  
20                         operations of United States Customs and Border Pro-  
21                         tection, including commercial inspection and release  
22                         of cargo and the revenue functions described in sec-  
23                         tion 412(b)(2) of the Homeland Security Act of 2002  
24                         (6 U.S.C. 212(b)(2)). The model shall comply with the  
25                         requirements of section 412(b)(1) of such Act and

1 shall take into account previous staffing models and  
2 historic and projected trade volumes and trends. The  
3 Resource Allocation Model shall apply both risk-based  
4 and random sampling approaches for determining  
5 adequate staffing needs for priority trade functions,  
6 including—

7 “(A) performing revenue functions;

8 “(B) enforcing antidumping and counter-  
9 vailing laws;

10 “(C) protecting intellectual property rights;

11 “(D) enforcing provisions of law relating to  
12 trade in textiles and apparel;

13 “(E) conducting agricultural inspections;

14 “(F) enforcing fines, penalties and forfeit-  
15 ures; and

16 “(G) facilitating trade.

17 “(2) PERSONNEL.—

18 “(A) IN GENERAL.—Not later than Sep-  
19 tember 30, 2007, the Commissioner shall ensure  
20 that the requirements of section 412(b) of the  
21 Homeland Security Act of 2002 (6 U.S.C.  
22 212(b)) are fully satisfied and shall report to the  
23 Committee on Finance of the Senate and the  
24 Committee on Ways and Means of the House of

1           *Representatives regarding the implementation of*  
2           *this subparagraph.*

3           “(B) *CUSTOMS AND BORDER PROTECTION*  
4           *OFFICERS.—The initial Resource Allocation*  
5           *Model required pursuant to paragraph (1) shall*  
6           *provide for the hiring of a minimum of 1000 ad-*  
7           *ditional Customs and Border Protection Officers.*  
8           *The Commissioner shall hire such additional of-*  
9           *ficers, subject to the appropriation of funds to*  
10          *pay for the salaries and expenses of such officers,*  
11          *of which the Commissioner shall assign—*

12                   “(i) *1 additional officer at each port of*  
13                   *entry in the United States; and*

14                   “(ii) *the balance of the additional offi-*  
15                   *cers authorized by this subsection among*  
16                   *ports of entry in the United States.*

17          “(C) *ASSIGNMENT.—In assigning such offi-*  
18          *cers pursuant to subparagraph (B), the Commis-*  
19          *sioner shall consider the volume of trade and the*  
20          *incidence of nonvoluntarily disclosed customs*  
21          *and trade law violations in addition to security*  
22          *priorities among such ports of entry.*

23          “(D) *REDISTRIBUTION.—Not later than*  
24          *September 30, 2008, the Director of Field Oper-*  
25          *ations in each Field Office may, at the request*

1           *of the Director of a Service Port reporting to*  
2           *such Field Office, direct the redistribution of the*  
3           *additional personnel provided for pursuant to*  
4           *subparagraph (B) among the ports of entry re-*  
5           *porting to such Field Office. The Commissioner*  
6           *shall promptly report any redistribution of per-*  
7           *sonnel pursuant to subparagraph (B) to the*  
8           *Committee on Homeland Security and Govern-*  
9           *mental Affairs and Committee on Finance of the*  
10           *Senate, and the Committee on Homeland Secu-*  
11           *rity and Committee on Ways and Means of the*  
12           *House of Representatives.*

13           “(3) *AUTHORIZATION OF APPROPRIATIONS.—In*  
14           *addition to any monies hereafter appropriated to*  
15           *United States Customs and Border Protection in the*  
16           *Department of Homeland Security, there are author-*  
17           *ized to be appropriated for the purpose of meeting the*  
18           *requirements of paragraph (2)(B), to remain avail-*  
19           *able until expended—*

20                   “(A) \$130,000,000 for fiscal year 2008.

21                   “(B) \$239,200,000 for fiscal year 2009.

22                   “(C) \$248,800,000 for fiscal year 2010.

23                   “(D) \$258,700,000 for fiscal year 2011.

24                   “(E) \$269,000,000 for fiscal year 2012.

1           “(4) *REPORT.*—Not later than 30 days after the  
2           *end of each fiscal year, the Commissioner shall report*  
3           *to the Committee on Finance of the Senate and the*  
4           *Committee on Ways and Means of the House of Rep-*  
5           *resentatives on the resources directed to commercial*  
6           *and trade facilitation functions within the Office of*  
7           *Field Operations for the preceding fiscal year. Such*  
8           *information shall be reported for each category of per-*  
9           *sonnel within the Office of Field Operations.*

10           “(5) *REGULATIONS TO IMPLEMENT TRADE*  
11           *AGREEMENTS.*—Not later than 30 days after the date  
12           *of the enactment of the Port Security Improvement*  
13           *Act of 2006, the Commissioner shall designate and*  
14           *maintain not less than 5 attorneys within the Office*  
15           *of International Trade established pursuant to section*  
16           *2 of the Act of March 3, 1927 (44 Stat. 1381, chapter*  
17           *348; 19 U.S.C. 2072) with primary responsibility for*  
18           *the prompt development and promulgation of regula-*  
19           *tions necessary to implement any trade agreement en-*  
20           *tered into by the United States.*

21           “(6) *DEFINITION.*—As used in this subsection,  
22           *the term ‘Commissioner’ means the Commissioner re-*  
23           *sponsible for United States Customs and Border Pro-*  
24           *tection in the Department of Homeland Security.’.*”

1 **SEC. 403. NEGOTIATIONS.**

2 *Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629)*  
3 *is amended by adding at the end the following:*

4 *“(h) CUSTOMS PROCEDURES AND COMMITMENTS.—*

5 *“(1) IN GENERAL.—The Secretary of Homeland*  
6 *Security, the United States Trade Representative, and*  
7 *other appropriate Federal officials, shall work through*  
8 *appropriate international organizations including the*  
9 *World Customs Organization (WCO), the World*  
10 *Trade Organization (WTO), the International Mari-*  
11 *time Organization, and the Asia-Pacific Economic*  
12 *Cooperation, to align, to the extent practicable, cus-*  
13 *toms procedures, standards, requirements, and com-*  
14 *mitments in order to facilitate the efficient flow of*  
15 *international trade.*

16 *“(2) UNITED STATES TRADE REPRESENTA-*  
17 *TIVE.—*

18 *“(A) IN GENERAL.—The United States*  
19 *Trade Representative shall seek commitments in*  
20 *negotiations in the WTO regarding the articles of*  
21 *GATT 1994 that are described in subparagraph*  
22 *(B) that make progress in achieving—*

23 *“(i) harmonization of import and ex-*  
24 *port data collected by WTO members for*  
25 *customs purposes, to the extent practicable;*

1           “(ii) enhanced procedural fairness and  
2           transparency with respect to the regulation  
3           of imports and exports by WTO members;

4           “(iii) transparent standards for the ef-  
5           ficient release of cargo by WTO members, to  
6           the extent practicable; and

7           “(iv) the protection of confidential  
8           commercial data.

9           “(B) *ARTICLES DESCRIBED.*—The articles  
10          of the *GATT 1994* described in this subpara-  
11          graph are the following:

12           “(i) *Article V (relating to transit).*

13           “(ii) *Article VIII (relating to fees and*  
14           *formalities associated with importation and*  
15           *exportation).*

16           “(iii) *Article X (relating to publication*  
17           *and administration of trade regulations).*

18           “(C) *GATT 1994.*—The term ‘*GATT 1994*’  
19          means the *General Agreement on Tariff and*  
20          *Trade annexed to the WTO Agreement.*

21           “(3) *CUSTOMS.*—The Secretary of Homeland Se-  
22          curity, acting through the Commissioner and in con-  
23          sultation with the United States Trade Representa-  
24          tive, shall work with the WCO to facilitate the effi-  
25          cient flow of international trade, taking into account

1 *existing international agreements and the negotiating*  
2 *objectives of the WTO. The Commissioner shall work*  
3 *to—*

4 *“(A) harmonize, to the extent practicable,*  
5 *import data collected by WCO members for cus-*  
6 *toms purposes;*

7 *“(B) automate and harmonize, to the extent*  
8 *practicable, the collection and storage of commer-*  
9 *cial data by WCO members;*

10 *“(C) develop, to the extent practicable,*  
11 *transparent standards for the release of cargo by*  
12 *WCO members;*

13 *“(D) develop and harmonize, to the extent*  
14 *practicable, standards, technologies, and proto-*  
15 *cols for physical or nonintrusive examinations*  
16 *that will facilitate the efficient flow of inter-*  
17 *national trade; and*

18 *“(E) ensure the protection of confidential*  
19 *commercial data.*

20 *“(4) DEFINITION.—In this subsection, the term*  
21 *‘Commissioner’ means the Commissioner responsible*  
22 *for the United States Customs and Border Protection*  
23 *in the Department of Homeland Security.”.*



1 **SEC. 404. INTERNATIONAL TRADE DATA SYSTEM.**

2 *Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411)*  
3 *is amended by adding at the end the following:*

4 “(d) *INTERNATIONAL TRADE DATA SYSTEM.—*

5 “(1) *ESTABLISHMENT.—*

6 “(A) *IN GENERAL.—The Secretary of the*  
7 *Treasury (in this section, referred to as the ‘Sec-*  
8 *retary’) shall oversee the establishment of an elec-*  
9 *tronic trade data interchange system to be*  
10 *known as the ‘International Trade Data System’*  
11 *(ITDS). The ITDS shall be implemented not*  
12 *later than the date that the Automated Commer-*  
13 *cial Environment (commonly referred to as*  
14 *‘ACE’) is implemented.*

15 “(B) *PURPOSE.—The purpose of the ITDS*  
16 *is to eliminate redundant information require-*  
17 *ments, to efficiently regulate the flow of com-*  
18 *merce, and to effectively enforce laws and regula-*  
19 *tions relating to international trade, by estab-*  
20 *lishing a single portal system, operated by the*  
21 *United States Customs and Border Protection,*  
22 *for the collection and distribution of standard*  
23 *electronic import and export data required by all*  
24 *participating Federal agencies.*

25 “(C) *PARTICIPATION.—*

1           “(i) *IN GENERAL.*—*All Federal agen-*  
2           *cies that require documentation for clearing*  
3           *or licensing the importation and expor-*  
4           *tation of cargo shall participate in the*  
5           *ITDS.*

6           “(ii) *WAIVER.*—*The Director of the Of-*  
7           *fice of Management and Budget may waive,*  
8           *in whole or in part, the requirement for*  
9           *participation for any Federal agency based*  
10           *on the national security interests of the*  
11           *United States.*

12           “(D) *CONSULTATION.*—*The Secretary shall*  
13           *consult with and assist agencies in the transition*  
14           *from paper to electronic format for the submis-*  
15           *sion, issuance, and storage of documents relating*  
16           *to data required to enter cargo into the United*  
17           *States.*

18           “(2) *DATA ELEMENTS.*—

19           “(A) *IN GENERAL.*—*The Interagency Steer-*  
20           *ing Committee (established under paragraph (3))*  
21           *shall, in consultation with the agencies partici-*  
22           *pating in the ITDS, define the standard set of*  
23           *data elements to be collected, stored, and shared*  
24           *in the ITDS. The Interagency Steering Com-*  
25           *mittee shall periodically review the data elements*

1           *in order to update the standard set of data ele-*  
2           *ments, as necessary.*

3           “(B) *COMMITMENTS AND OBLIGATIONS.*—  
4           *The Interagency Steering Committee shall ensure*  
5           *that the ITDS data requirements are compatible*  
6           *with the commitments and obligations of the*  
7           *United States as a member of the World Customs*  
8           *Organization (WCO) and the World Trade Orga-*  
9           *nization (WTO) for the entry and movement of*  
10          *cargo.*

11          “(C) *COORDINATION.*—*The Secretary shall*  
12          *be responsible for coordinating operation of the*  
13          *ITDS among the participating agencies and the*  
14          *office within the United States Customs and*  
15          *Border Protection that is responsible for main-*  
16          *taining the ITDS.*

17          “(3) *INTERAGENCY STEERING COMMITTEE.*—  
18          *There is established an Interagency Steering Com-*  
19          *mittee (in this section, referred to as the ‘Committee’).*  
20          *The members of the Committee shall include the Sec-*  
21          *retary (who shall serve as the chairperson of the Com-*  
22          *mittee), the Director of the Office of Management and*  
23          *Budget, and the head of each agency participating in*  
24          *the ITDS. The Committee shall assist the Secretary in*

1       *overseeing the implementation of, and participation*  
2       *in, the ITDS.*

3               “(4) *REPORT.*—*The Committee shall submit a*  
4       *report before the end of each fiscal year to the Com-*  
5       *mittee on Finance of the Senate and the Committee*  
6       *on Ways and Means of the House of Representatives.*  
7       *Each report shall include information on—*

8                       “(A) *the status of the ITDS implementa-*  
9       *tion;*

10                      “(B) *the extent of participation in the*  
11       *ITDS by Federal agencies;*

12                      “(C) *the remaining barriers to any agency’s*  
13       *participation;*

14                      “(D) *the consistency of the ITDS with ap-*  
15       *plicable standards established by the World Cus-*  
16       *toms Organization and the World Trade Organi-*  
17       *zation;*

18                      “(E) *recommendations for technological and*  
19       *other improvements to the ITDS; and*

20                      “(F) *the status of the development, imple-*  
21       *mentation, and management of the Automated*  
22       *Commercial Environment within the United*  
23       *States Customs and Border Protection.”.*

1 **SEC. 405. IN-BOND CARGO.**

2 *Title IV of the Tariff Act of 1930 is amended by insert-*  
3 *ing after section 553 the following:*

4 **“SEC. 553A. REPORT ON IN-BOND CARGO.**

5 *“(a) REPORT.—Not later than June 30, 2007, the*  
6 *Commissioner shall submit a report to the Committees on*  
7 *Commerce, Science, and Transportation, Finance, and*  
8 *Homeland Security and Governmental Affairs of the Senate*  
9 *and the Committees on Homeland Security, Transportation*  
10 *and Infrastructure, and Ways and Means of the House of*  
11 *Representatives that includes—*

12 *“(1) a plan for closing in-bond entries at the*  
13 *port of arrival;*

14 *“(2) an assessment of the personnel required to*  
15 *ensure 100 percent reconciliation of in-bond entries*  
16 *between the port of arrival and the port of destination*  
17 *or exportation;*

18 *“(3) an assessment of the status of investigations*  
19 *of overdue in-bond shipments and an evaluation of*  
20 *the resources required to ensure adequate investiga-*  
21 *tion of overdue in-bond shipments;*

22 *“(4) a plan for tracking in-bond cargo within*  
23 *the Automated Commercial Environment (ACE);*

24 *“(5) an assessment of whether any particular*  
25 *technologies should be required in the transport of in-*  
26 *bond cargo;*

1           “(6) an assessment of whether ports of arrival  
2           should require any additional information regarding  
3           shipments of in-bond cargo;

4           “(7) an evaluation of the criteria for targeting  
5           and examining in-bond cargo; and

6           “(8) an assessment of the feasibility of reducing  
7           the transit time for in-bond shipments, including an  
8           assessment of the impact of such a change on domestic  
9           and international trade.

10          “(b) *DEFINITION.*—The term ‘Commissioner’ means  
11          the Commissioner responsible for the United States Customs  
12          and Border Protection in the Department of Homeland Se-  
13          curity.”.

14          **SEC. 406. SENSE OF THE SENATE.**

15          *It is the sense of the Senate that nothing in sections*  
16          *2, 106, 111 through 113, and 201 through 232 of this Act*  
17          *shall be construed to affect the jurisdiction of any Standing*  
18          *Committee of the Senate.*

19          **SEC. 407. FOREIGN OWNERSHIP OF PORTS.**

20          “(a) *IN GENERAL.*—On and after the date of the enact-  
21          ment of this Act, the United States Trade Representative  
22          may not negotiate any bilateral or multilateral trade agree-  
23          ment that limits the Congress in its ability to restrict the  
24          operations or ownership of United States ports by a foreign  
25          country or person.

1       (b) *OPERATIONS AND OWNERSHIP.*—*For purposes of*  
2 *this section, the term “operations and ownership”*  
3 *includes—*

4             (1) *operating and maintaining docks;*

5             (2) *loading and unloading vessels directly to or*  
6 *from land;*

7             (3) *handling marine cargo;*

8             (4) *operating and maintaining piers;*

9             (5) *ship cleaning;*

10            (6) *stevedoring;*

11            (7) *transferring cargo between vessels and trucks,*  
12 *trains, pipelines, and wharves; and*

13            (8) *waterfront terminal operations.*

14       **TITLE V—RAIL SECURITY ACT OF**  
15   **2006**

16       **SEC. 501. SHORT TITLE.**

17            *This title may be cited as the “Rail Security Act of*  
18 *2006”.*

19       **SEC. 502. RAIL TRANSPORTATION SECURITY RISK ASSESS-**  
20   **MENT.**

21            (a) *IN GENERAL.*—

22               (1) *VULNERABILITY ASSESSMENT.*—*The Under*  
23 *Secretary of Homeland Security for Border and*  
24 *Transportation Security (referred to in this title as*  
25 *the “Under Secretary”), in consultation with the Sec-*

1        *retary of Transportation, shall conduct a vulner-*  
2        *ability assessment of freight and passenger rail trans-*  
3        *portation (encompassing railroads, as that term is de-*  
4        *defined in section 20102(1) of title 49, United States*  
5        *Code), which shall include—*

6                *(A) identification and evaluation of critical*  
7                *assets and infrastructures;*

8                *(B) identification of threats to those assets*  
9                *and infrastructures;*

10               *(C) identification of vulnerabilities that are*  
11               *specific to the transportation of hazardous mate-*  
12               *rials via railroad; and*

13               *(D) identification of security weaknesses in*  
14               *passenger and cargo security, transportation in-*  
15               *frastructure, protection systems, procedural poli-*  
16               *cies, communications systems, employee training,*  
17               *emergency response planning, and any other*  
18               *area identified by the assessment.*

19               *(2) EXISTING PRIVATE AND PUBLIC SECTOR EF-*  
20        *FORTS.—The assessment conducted under this sub-*  
21        *section shall take into account actions taken or*  
22        *planned by both public and private entities to address*  
23        *identified security issues and assess the effective inte-*  
24        *gration of such actions.*



1           (3) *RECOMMENDATIONS.*—*Based on the assess-*  
2           *ment conducted under this subsection, the Under Sec-*  
3           *retary, in consultation with the Secretary of Trans-*  
4           *portation, shall develop prioritized recommendations*  
5           *for improving rail security, including any rec-*  
6           *ommendations the Under Secretary has for—*

7                   (A) *improving the security of rail tunnels,*  
8                   *rail bridges, rail switching and car storage*  
9                   *areas, other rail infrastructure and facilities, in-*  
10                  *formation systems, and other areas identified by*  
11                  *the Under Secretary as posing significant rail-*  
12                  *related risks to public safety and the movement*  
13                  *of interstate commerce, taking into account the*  
14                  *impact that any proposed security measure*  
15                  *might have on the provision of rail service;*

16                  (B) *deploying equipment to detect explosives*  
17                  *and hazardous chemical, biological, and radio-*  
18                  *active substances, and any appropriate counter-*  
19                  *measures;*

20                  (C) *training employees in terrorism preven-*  
21                  *tion, passenger evacuation, and response activi-*  
22                  *ties;*

23                  (D) *conducting public outreach campaigns*  
24                  *on passenger railroads;*

25                  (E) *deploying surveillance equipment; and*

1           (F) identifying the immediate and long-  
2           term costs of measures that may be required to  
3           address those risks.

4           (b) *CONSULTATION; USE OF EXISTING RESOURCES.*—  
5           In carrying out the assessment required by subsection (a),  
6           the Under Secretary shall consult with rail management,  
7           rail labor, owners or lessors of rail cars used to transport  
8           hazardous materials, first responders, shippers of hazardous  
9           materials, public safety officials (including those within  
10          other agencies and offices within the Department of Home-  
11          land Security), and other relevant parties.

12          (c) *REPORT.*—

13           (1) *CONTENTS.*—Not later than 180 days after  
14          the date of the enactment of this Act, the Under Sec-  
15          retary shall submit to the Committee on Commerce,  
16          Science, and Transportation and the Committee on  
17          Homeland Security and Governmental Affairs of the  
18          Senate and the Committee on Transportation and In-  
19          frastructure of the House of Representatives a report  
20          that contains—

21           (A) the assessment and prioritized rec-  
22           ommendations required by subsection (a) and an  
23           estimate of the cost to implement such rec-  
24           ommendations;

1           (B) a plan, developed in consultation with  
2           the freight and intercity passenger railroads, and  
3           State and local governments, for the government  
4           to provide increased security support at high or  
5           severe threat levels of alert; and

6           (C) a plan for coordinating rail security  
7           initiatives undertaken by the public and private  
8           sectors.

9           (2) *FORMAT.*—The Under Secretary may submit  
10          the report in both classified and redacted formats if  
11          the Under Secretary determines that such action is  
12          appropriate or necessary.

13          (d) *2-YEAR UPDATES.*—The Under Secretary, in con-  
14          sultation with the Secretary of Transportation, shall update  
15          the assessment and recommendations every 2 years and  
16          transmit a report, which may be submitted in both classi-  
17          fied and redacted formats, to the Committees named in sub-  
18          section (c)(1), containing the updated assessment and rec-  
19          ommendations.

20          (e) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
21          authorized to be appropriated to the Under Secretary  
22          \$5,000,000 for fiscal year 2007 to carry out this section.

23   **SEC. 503. RAIL SECURITY.**

24          (a) *RAIL POLICE OFFICERS.*—Section 28101 of title  
25          49, United States Code, is amended by striking “the rail

1 carrier” each place it appears and inserting “any rail car-  
2 rier”.

3 (b) *REVIEW OF RAIL REGULATIONS.*—Not later than  
4 1 year after the date of the enactment of this Act, the Sec-  
5 retary of Transportation, in consultation with the Under  
6 Secretary, shall review existing rail regulations of the De-  
7 partment of Transportation for the purpose of identifying  
8 areas in which those regulations need to be revised to im-  
9 prove rail security.

10 **SEC. 504. STUDY OF FOREIGN RAIL TRANSPORT SECURITY**  
11 **PROGRAMS.**

12 (a) *REQUIREMENT FOR STUDY.*—Not later than 1 year  
13 after the date of the enactment of this Act, the Comptroller  
14 General of the United States shall complete a study of the  
15 rail passenger transportation security programs that are  
16 carried out for rail transportation systems in Japan, mem-  
17 ber nations of the European Union, and other foreign coun-  
18 tries.

19 (b) *PURPOSE.*—The purpose of the study conducted  
20 under subsection (a) shall be to identify effective rail trans-  
21 portation security measures that are in use in foreign rail  
22 transportation systems, including innovative measures and  
23 screening procedures determined effective.

24 (c) *REPORT.*—The Comptroller General shall submit  
25 a report on the results of the study conducted under sub-

1 *section (a) to the Committee on Commerce, Science, and*  
2 *Transportation and Committee on Homeland Security and*  
3 *Governmental Affairs of the Senate and the Committee on*  
4 *Transportation and Infrastructure of the House of Rep-*  
5 *resentatives. The report shall include the Comptroller Gen-*  
6 *eral's assessment regarding whether it is feasible to imple-*  
7 *ment within the United States any of the same or similar*  
8 *security measures that are determined effective under the*  
9 *study.*

10 **SEC. 505. PASSENGER, BAGGAGE, AND CARGO SCREENING.**

11 *(a) REQUIREMENT FOR STUDY AND REPORT.—The*  
12 *Under Secretary, in cooperation with the Secretary of*  
13 *Transportation, shall—*

14 *(1) conduct a study to analyze the cost and feasi-*  
15 *bility of requiring security screening for passengers,*  
16 *baggage, and cargo on passenger trains; and*

17 *(2) not later than 1 year after the date of the en-*  
18 *actment of this Act, submit a report containing the*  
19 *results of the study and any recommendations that*  
20 *the Under Secretary may have for implementing a*  
21 *rail security screening program to—*

22 *(A) the Committee on Commerce, Science,*  
23 *and Transportation and the Committee of Home-*  
24 *land Security and Governmental Affairs of the*  
25 *Senate; and*

1                   (B) *the Committee on Transportation and*  
2                   *Infrastructure of the House of Representatives.*

3           (b) *PILOT PROGRAM.*—*As part of the study conducted*  
4 *under subsection (a), the Under Secretary shall complete*  
5 *a pilot program of random security screening of passengers*  
6 *and baggage at 5 passenger rail stations served by Amtrak,*  
7 *which shall be selected by the Under Secretary. In con-*  
8 *ducting the pilot program under this subsection, the Under*  
9 *Secretary shall—*

10                   (1) *test a wide range of explosives detection tech-*  
11 *nologies, devices, and methods;*

12                   (2) *require that intercity rail passengers produce*  
13 *government-issued photographic identification, which*  
14 *matches the name on the passenger's tickets before the*  
15 *passenger boarding a train; and*

16                   (3) *attempt to give preference to locations at the*  
17 *highest risk of terrorist attack and achieve a distribu-*  
18 *tion of participating train stations in terms of geo-*  
19 *graphic location, size, passenger volume, and whether*  
20 *the station is used by commuter rail passengers and*  
21 *Amtrak passengers.*

22           (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
23 *authorized to be appropriated to the Under Secretary to*  
24 *carry out this section \$5,000,000 for fiscal year 2007.*

1 **SEC. 506. CERTAIN PERSONNEL LIMITATIONS NOT TO**  
2 **APPLY.**

3 *Any statutory limitation on the number of employees*  
4 *in the Transportation Security Administration of the De-*  
5 *partment of Transportation, before or after its transfer to*  
6 *the Department of Homeland Security, does not apply to*  
7 *the extent that any such employees are responsible for im-*  
8 *plementing the provisions of this title.*

9 **SEC. 507. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

10 (a) *LIFE-SAFETY NEEDS.—The Secretary of Trans-*  
11 *portation may award grants to Amtrak for the purpose of*  
12 *making fire and life-safety improvements to Amtrak tunnels*  
13 *on the Northeast Corridor in New York, New York, Balti-*  
14 *more, Maryland, and Washington, D.C.*

15 (b) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
16 *authorized to be appropriated to the Secretary of Transpor-*  
17 *tation for the purposes of carrying out subsection (a) the*  
18 *following amounts:*

19 (1) *For the 6 New York tunnels, to provide ven-*  
20 *tilation, electrical, and fire safety technology up-*  
21 *grades, emergency communication and lighting sys-*  
22 *tems, and emergency access and egress for*  
23 *passengers—*

24 (A) *\$100,000,000 for fiscal year 2007;*

25 (B) *\$100,000,000 for fiscal year 2008;*

26 (C) *\$100,000,000 for fiscal year 2009; and*

1                   (D) \$170,000,000 for fiscal year 2010.

2                   (2) *For the Baltimore & Potomac tunnel and the*  
 3 *Union tunnel, together, to provide adequate drainage,*  
 4 *ventilation, communication, lighting, and passenger*  
 5 *egress upgrades—*

6                   (A) \$10,000,000 for fiscal year 2007;

7                   (B) \$10,000,000 for fiscal year 2008;

8                   (C) \$10,000,000 for fiscal year 2009; and

9                   (D) \$17,000,000 for fiscal year 2010.

10                  (3) *For the Washington, DC Union Station tun-*  
 11 *nels to improve ventilation, communication, lighting,*  
 12 *and passenger egress upgrades—*

13                  (A) \$8,000,000 for fiscal year 2007;

14                  (B) \$8,000,000 for fiscal year 2008;

15                  (C) \$8,000,000 for fiscal year 2009; and

16                  (D) \$8,000,000 for fiscal year 2010.

17                  (c) *INFRASTRUCTURE UPGRADES.—There are author-*  
 18 *ized to be appropriated to the Secretary of Transportation*  
 19 *\$3,000,000 for fiscal year 2007 for the preliminary design*  
 20 *of options for a new tunnel on a different alignment to aug-*  
 21 *ment the capacity of the existing Baltimore tunnels.*

22                  (d) *AVAILABILITY OF APPROPRIATED FUNDS.—*  
 23 *Amounts appropriated pursuant to this section shall re-*  
 24 *main available until expended.*



1       (e) *PLANS REQUIRED.*—*The Secretary of Transpor-*  
2 *tation may not make amounts available to Amtrak for obli-*  
3 *gation or expenditure under subsection (a)—*

4           (1) *until Amtrak has submitted to the Secretary,*  
5 *and the Secretary has approved, an engineering and*  
6 *financial plan for such projects; and*

7           (2) *unless, for each project funded under this sec-*  
8 *tion, the Secretary has approved a project manage-*  
9 *ment plan prepared by Amtrak that appropriately*  
10 *addresses—*

11           (A) *project budget;*

12           (B) *construction schedule;*

13           (C) *recipient staff organization;*

14           (D) *document control and record keeping;*

15           (E) *change order procedure;*

16           (F) *quality control and assurance;*

17           (G) *periodic plan updates;*

18           (H) *periodic status reports; and*

19           (I) *such other matters the Secretary deter-*  
20 *mines to be appropriate.*

21       (f) *REVIEW OF PLANS.*—

22           (1) *COMPLETION.*—*The Secretary of Transpor-*  
23 *tation shall complete the review of the plans required*  
24 *under paragraphs (1) and (2) of subsection (e) and*  
25 *approve or disapprove the plans not later than 45*

1        *days after the date on which each such plan is sub-*  
2        *mitted by Amtrak.*

3            (2) *INCOMPLETE PLANS.—If the Secretary deter-*  
4        *mines that a plan is incomplete or deficient—*

5            (A) *the Secretary shall notify Amtrak of the*  
6        *incomplete items or deficiencies; and*

7            (B) *not later than 30 days after receiving*  
8        *the Secretary’s notification under subparagraph*  
9        *(A), Amtrak shall submit a modified plan for the*  
10       *Secretary’s review.*

11          (3) *REVIEW OF MODIFIED PLANS.—Not later*  
12       *than 15 days after receiving additional information*  
13       *on items previously included in the plan, and not*  
14       *later than 45 days after receiving items newly in-*  
15       *cluded in a modified plan, the Secretary shall—*

16            (A) *approve the modified plan; or*

17            (B) *if the Secretary finds the plan is still*  
18       *incomplete or deficient—*

19            (i) *submit a report to the Committee*  
20       *on Commerce, Science, and Transportation*  
21       *and the Committee on Homeland Security*  
22       *and Governmental Affairs of the Senate and*  
23       *the Committee on Transportation and In-*  
24       *frastructure of the House of Representatives*

1           that identifies the portions of the plan the  
2           Secretary finds incomplete or deficient;

3           (ii) approve all other portions of the  
4           plan;

5           (iii) obligate the funds associated with  
6           those other portions; and

7           (iv) execute an agreement with Amtrak  
8           not later than 15 days thereafter on a proc-  
9           ess for resolving the remaining portions of  
10          the plan.

11          (g) *FINANCIAL CONTRIBUTION FROM OTHER TUNNEL*  
12 *USERS.*—The Secretary of Transportation shall, taking  
13 into account the need for the timely completion of all por-  
14 tions of the tunnel projects described in subsection (a)—

15           (1) consider the extent to which rail carriers  
16           other than Amtrak use the tunnels;

17           (2) consider the feasibility of seeking a financial  
18           contribution from those other rail carriers toward the  
19           costs of the projects; and

20           (3) obtain financial contributions or commit-  
21           ments from such other rail carriers at levels reflecting  
22           the extent of their use of the tunnels, if feasible.

23 **SEC. 508. MEMORANDUM OF AGREEMENT.**

24          (a) *MEMORANDUM OF AGREEMENT.*—Not later than  
25 60 days after the date of enactment of this Act, the Sec-

1 *retary of Transportation and the Secretary of Homeland*  
 2 *Security shall execute a memorandum of agreement gov-*  
 3 *erning the roles and responsibilities of the Department of*  
 4 *Transportation and the Department of Homeland Security,*  
 5 *respectively, in addressing railroad transportation security*  
 6 *matters, including the processes the departments will follow*  
 7 *to promote communications, efficiency, and nonduplication*  
 8 *of effort.*

9       (b) *RAIL SAFETY REGULATIONS.*—Section 20103(a) of  
 10 *title 49, United States Code, is amended by striking “rail-*  
 11 *road safety” and inserting “railroad safety, including secu-*  
 12 *rity.”.*

13 **SEC. 509. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**  
 14 **SENGERS INVOLVED IN RAIL PASSENGER AC-**  
 15 **CIDENTS.**

16       (a) *IN GENERAL.*—Chapter 243 of title 49, United  
 17 *States Code, is amended by adding at the end the following:*  
 18 **“§24316. Plans to address needs of families of pas-**  
 19 **sengers involved in rail passenger acci-**  
 20 **dents**

21       “(a) *SUBMISSION OF PLAN.*—Not later than 6 months  
 22 *after the date of the enactment of the Rail Security Act of*  
 23 *2006, Amtrak shall submit to the Chairman of the National*  
 24 *Transportation Safety Board and the Secretary of Trans-*  
 25 *portation a plan for addressing the needs of the families*

1 of passengers involved in any rail passenger accident in-  
2 volving an Amtrak intercity train and resulting in a loss  
3 of life.

4 “(b) CONTENTS OF PLANS.—The plan to be submitted  
5 by Amtrak under subsection (a) shall include, at a min-  
6 imum, the following:

7 “(1) A process by which Amtrak will maintain  
8 and provide to the National Transportation Safety  
9 Board and the Secretary of Transportation, imme-  
10 diately upon request, a list (which is based on the best  
11 available information at the time of the request) of  
12 the names of the passengers aboard the train (whether  
13 or not such names have been verified), and will peri-  
14 odically update the list. The plan shall include a pro-  
15 cedure, with respect to unreserved trains and pas-  
16 sengers not holding reservations on other trains, for  
17 Amtrak to use reasonable efforts to ascertain the num-  
18 ber and names of passengers aboard a train involved  
19 in an accident.

20 “(2) A plan for creating and publicizing a reli-  
21 able, toll-free telephone number within 4 hours after  
22 such an accident occurs, and for providing staff, to  
23 handle calls from the families of the passengers.

24 “(3) A process for notifying the families of the  
25 passengers, before providing any public notice of the

1       *names of the passengers, by suitably trained individ-*  
2       *uals.*

3               “(4) *A process for providing the notice described*  
4       *in paragraph (2) to the family of a passenger as soon*  
5       *as Amtrak has verified that the passenger was aboard*  
6       *the train (whether or not the names of all of the pas-*  
7       *sengers have been verified).*

8               “(5) *A process by which the family of each pas-*  
9       *senger will be consulted about the disposition of all*  
10       *remains and personal effects of the passenger within*  
11       *Amtrak’s control; that any possession of the passenger*  
12       *within Amtrak’s control will be returned to the family*  
13       *unless the possession is needed for the accident inves-*  
14       *tigation or any criminal investigation; and that any*  
15       *unclaimed possession of a passenger within Amtrak’s*  
16       *control will be retained by the rail passenger carrier*  
17       *for at least 18 months.*

18               “(6) *A process by which the treatment of the*  
19       *families of nonrevenue passengers will be the same as*  
20       *the treatment of the families of revenue passengers.*

21               “(7) *An assurance that Amtrak will provide ade-*  
22       *quate training to its employees and agents to meet the*  
23       *needs of survivors and family members following an*  
24       *accident.*

1           “(c) *USE OF INFORMATION.*—*The National Transpor-*  
2 *tation Safety Board, the Secretary of Transportation, and*  
3 *Amtrak may not release to any person information on a*  
4 *list obtained under subsection (b)(1) but may provide infor-*  
5 *mation on the list about a passenger to the family of the*  
6 *passenger to the extent that the Board or Amtrak considers*  
7 *appropriate.*

8           “(d) *LIMITATION ON LIABILITY.*—*Amtrak shall not be*  
9 *liable for damages in any action brought in a Federal or*  
10 *State court arising out of the performance of Amtrak in*  
11 *preparing or providing a passenger list, or in providing*  
12 *information concerning a train reservation, pursuant to a*  
13 *plan submitted by Amtrak under subsection (b), unless such*  
14 *liability was caused by Amtrak’s conduct.*

15           “(e) *LIMITATION ON STATUTORY CONSTRUCTION.*—  
16 *Nothing in this section may be construed as limiting the*  
17 *actions that Amtrak may take, or the obligations that Am-*  
18 *trak may have, in providing assistance to the families of*  
19 *passengers involved in a rail passenger accident.*

20           “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
21 *authorized to be appropriated to the Secretary of Transpor-*  
22 *tation for the use of Amtrak \$500,000 for fiscal year 2007*  
23 *to carry out this section. Amounts appropriated pursuant*  
24 *to this subsection shall remain available until expended.”.*

1           (b) *CONFORMING AMENDMENT.*—*The chapter analysis*  
2 *for chapter 243 of title 49, United States Code, is amended*  
3 *by adding at the end the following:*

          “*Sec. 24316. Plans to address needs of families of passengers involved in rail passenger accidents.*”.

4 **SEC. 510. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

5           (a) *IN GENERAL.*—*Subject to subsection (c), the Under*  
6 *Secretary may award grants, through the Secretary of*  
7 *Transportation, to Amtrak—*

8                   (1) *to secure major tunnel access points and en-*  
9                   *sure tunnel integrity in New York, Baltimore, and*  
10                  *Washington, D.C.;*

11                   (2) *to secure Amtrak trains;*

12                   (3) *to secure Amtrak stations;*

13                   (4) *to obtain a watch list identification system*  
14 *approved by the Under Secretary;*

15                   (5) *to obtain train tracking and interoperable*  
16 *communications systems that are coordinated to the*  
17 *maximum extent possible;*

18                   (6) *to hire additional police and security officers,*  
19 *including canine units;*

20                   (7) *to expand emergency preparedness efforts;*  
21 *and*

22                   (8) *for employee security training.*



1       (b) *CONDITIONS.—The Secretary of Transportation*  
2 *may not disburse funds to Amtrak for projects under sub-*  
3 *section (a) unless—*

4           (1) *the projects are contained in a systemwide*  
5 *security plan approved by the Under Secretary, in*  
6 *consultation with the Secretary of Transportation;*

7           (2) *capital projects meet the requirements under*  
8 *section 507(e)(2); and*

9           (3) *the plan includes appropriate measures to*  
10 *address security awareness, emergency response, and*  
11 *passenger evacuation training.*

12       (c) *EQUITABLE GEOGRAPHIC ALLOCATION.—The*  
13 *Under Secretary shall ensure that, subject to meeting the*  
14 *highest security needs on Amtrak’s entire system, stations*  
15 *and facilities located outside of the Northeast Corridor re-*  
16 *ceive an equitable share of the security funds authorized*  
17 *under this section.*

18       (d) *AVAILABILITY OF FUNDS.—There are authorized to*  
19 *be appropriated to the Under Secretary \$63,500,000 for fis-*  
20 *cal year 2007, \$30,000,000 for fiscal year 2008, and*  
21 *\$30,000,000 for fiscal year 2009 for the purposes of car-*  
22 *rying out this section. Amounts appropriated pursuant to*  
23 *this subsection shall remain available until expended.*

1 **SEC. 511. FREIGHT AND PASSENGER RAIL SECURITY UP-**  
2 **GRADES.**

3 (a) *SECURITY IMPROVEMENT GRANTS.*—*The Under*  
4 *Secretary may award grants to freight railroads, the Alaska*  
5 *Railroad, hazardous materials shippers, owners of rail cars*  
6 *used in the transportation of hazardous materials, univer-*  
7 *sities, colleges and research centers, State and local govern-*  
8 *ments (for passenger facilities and infrastructure not owned*  
9 *by Amtrak), and, through the Secretary of Transportation,*  
10 *to Amtrak, for full or partial reimbursement of costs in-*  
11 *curred in the conduct of activities to prevent or respond*  
12 *to acts of terrorism, sabotage, or other intercity passenger*  
13 *rail and freight rail security threats, including—*

14 (1) *security and redundancy for critical commu-*  
15 *nications, computer, and train control systems essen-*  
16 *tial for secure rail operations;*

17 (2) *accommodation of cargo or passenger screen-*  
18 *ing equipment at the international border between the*  
19 *United States and Mexico or the international border*  
20 *between the United States and Canada;*

21 (3) *the security of hazardous material transpor-*  
22 *tation by rail;*

23 (4) *secure intercity passenger rail stations,*  
24 *trains, and infrastructure;*

1           (5) *structural modification or replacement of*  
2           *rail cars transporting high hazard materials to im-*  
3           *prove their resistance to acts of terrorism;*

4           (6) *employee security awareness, preparedness,*  
5           *passenger evacuation, and emergency response train-*  
6           *ing;*

7           (7) *public security awareness campaigns for pas-*  
8           *senger train operations;*

9           (8) *the sharing of intelligence and information*  
10          *about security threats;*

11          (9) *to obtain train tracking and interoperable*  
12          *communications systems that are coordinated to the*  
13          *maximum extent possible;*

14          (10) *to hire additional police and security offi-*  
15          *cers, including canine units; and*

16          (11) *other improvements recommended by the re-*  
17          *port required under section 502(c), including infra-*  
18          *structure, facilities, and equipment upgrades.*

19          (b) *ACCOUNTABILITY.*—*The Under Secretary shall*  
20          *adopt necessary procedures, including audits, to ensure that*  
21          *grants awarded under this section are expended in accord-*  
22          *ance with the purposes of this title and the priorities and*  
23          *other criteria developed by the Under Secretary.*

24          (c) *EQUITABLE ALLOCATION.*—*The Under Secretary*  
25          *shall equitably distribute the funds authorized by this sec-*

1 tion, taking into account geographic location, and shall en-  
2 courage non-Federal financial participation in awarding  
3 grants. With respect to grants for passenger rail security,  
4 the Under Secretary shall also take into account passenger  
5 volume and whether a station is used by commuter rail pas-  
6 sengers and intercity rail passengers.

7 (d) *CONDITIONS.*—The Secretary of Transportation  
8 may not disburse funds to Amtrak under subsection (a) un-  
9 less Amtrak meets the conditions set forth in section 510(b).

10 (e) *ALLOCATION BETWEEN RAILROADS AND OTH-*  
11 *ERS.*—Unless the Under Secretary determines, as a result  
12 of the assessment required by section 502, that critical rail  
13 transportation security needs require reimbursement in  
14 greater amounts to any eligible entity, a grant may not  
15 be awarded under this section—

16 (1) in excess of \$65,000,000 to Amtrak; or

17 (2) in excess of \$100,000,000 for the purposes de-  
18 scribed in paragraphs (3) and (5) of subsection (a).

19 (f) *HIGH HAZARD MATERIALS DEFINED.*—In this sec-  
20 tion, the term “high hazard materials” means poison inha-  
21 lation hazard materials, class 2.3 gases, class 6.1 materials,  
22 and anhydrous ammonia.

23 (g) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
24 authorized to be appropriated to the Under Secretary  
25 \$350,000,000 for fiscal year 2007 to carry out the purposes

1 *of this section. Amounts appropriated pursuant to this sub-*  
2 *section shall remain available until expended.*

3 **SEC. 512. OVERSIGHT AND GRANT PROCEDURES.**

4 (a) *SECRETARIAL OVERSIGHT.—The Secretary of*  
5 *Transportation may use not more than 0.5 percent of*  
6 *amounts made available to Amtrak for capital projects*  
7 *under this title—*

8 (1) *to enter into contracts for the review of pro-*  
9 *posed capital projects and related program manage-*  
10 *ment plans; and*

11 (2) *to oversee construction of such projects.*

12 (b) *USE OF FUNDS.—The Secretary may use amounts*  
13 *available under subsection (a) to make contracts for safety,*  
14 *procurement, management, and financial compliance re-*  
15 *views and audits of a recipient of amounts under subsection*  
16 *(a).*

17 (c) *PROCEDURES FOR GRANT AWARD.—The Under*  
18 *Secretary shall prescribe procedures and schedules for the*  
19 *awarding of grants under this title, including application*  
20 *and qualification procedures (including a requirement that*  
21 *the applicant have a security plan), and a record of deci-*  
22 *sion on applicant eligibility. The procedures shall include*  
23 *the execution of a grant agreement between the grant recipi-*  
24 *ent and the Under Secretary. The Under Secretary shall*

1 *issue a final rule establishing the procedures not later than*  
2 *90 days after the date of the enactment of this Act.*

3 **SEC. 513. RAIL SECURITY RESEARCH AND DEVELOPMENT.**

4 *(a) ESTABLISHMENT OF RESEARCH AND DEVELOP-*  
5 *MENT PROGRAM.—The Under Secretary, in conjunction*  
6 *with the Secretary of Transportation, shall carry out a re-*  
7 *search and development program for the purpose of improv-*  
8 *ing freight and intercity passenger rail security that may*  
9 *include research and development projects to—*

10 *(1) reduce the vulnerability of passenger trains,*  
11 *stations, and equipment to explosives and hazardous*  
12 *chemical, biological, and radioactive substances;*

13 *(2) test new emergency response techniques and*  
14 *technologies;*

15 *(3) develop improved freight technologies,*  
16 *including—*

17 *(A) technologies for sealing rail cars;*

18 *(B) automatic inspection of rail cars;*

19 *(C) communication-based train controls;*

20 *and*

21 *(D) emergency response training;*

22 *(4) test wayside detectors that can detect tam-*  
23 *pering with railroad equipment; and*

24 *(5) support enhanced security for the transpor-*  
25 *tation of hazardous materials by rail, including—*

1           (A) technologies to detect a breach in a tank  
2 car and transmit information about the integ-  
3 rity of tank cars to the train crew;

4           (B) research to improve tank car integrity,  
5 with a focus on tank cars that carry high hazard  
6 materials (as defined in section 511(g));

7           (C) techniques to transfer hazardous mate-  
8 rials from rail cars that are damaged or other-  
9 wise represent an unreasonable risk to human  
10 life or public safety;

11          (6) other projects recommended in the report re-  
12 quired under section 502.

13          (b) *COORDINATION WITH OTHER RESEARCH INITIA-*  
14 *TIVES.*—The Under Secretary shall ensure that the research  
15 and development program under this section is coordinated  
16 with other research and development initiatives at the De-  
17 partment of Homeland Security and the Department of  
18 Transportation. The Under Secretary shall carry out any  
19 research and development project authorized under this sec-  
20 tion through a reimbursable agreement with the Secretary  
21 of Transportation if the Secretary—

22           (1) is already sponsoring a research and develop-  
23 ment project in a similar area; or

24           (2) has a unique facility or capability that  
25 would be useful in carrying out the project.

1       (c) *ACCOUNTABILITY.*—*The Under Secretary shall*  
2 *adopt necessary procedures, including audits, to ensure that*  
3 *grants made under this section are expended in accordance*  
4 *with the purposes of this title and the priorities and other*  
5 *criteria developed by the Under Secretary.*

6       (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
7 *authorized to be appropriated to the Under Secretary*  
8 *\$50,000,000 in each of fiscal years 2007 and 2008 to carry*  
9 *out the purposes of this section. Amounts appropriated pur-*  
10 *suant to this subsection shall remain available until ex-*  
11 *pended.*

12 **SEC. 514. WELDED RAIL AND TANK CAR SAFETY IMPROVE-**  
13 **MENTS.**

14       (a) *TRACK STANDARDS.*—*Not later than 90 days after*  
15 *the date of the enactment of this Act, the Administrator of*  
16 *the Federal Railroad Administration shall—*

17               (1) *require each track owner using continuous*  
18 *welded rail track to include procedures to improve the*  
19 *identification of cracks in rail joint bars in the proce-*  
20 *dures filed with the Administration under section*  
21 *213.119 of title 49, Code of Federal Regulations;*

22               (2) *instruct Administration track inspectors to*  
23 *obtain copies of the most recent continuous welded*  
24 *rail programs of each railroad within the inspectors’*  
25 *areas of responsibility and require that inspectors use*



1 *those programs when conducting track inspections;*  
2 *and*

3 *(3) establish a program to—*

4 *(A) periodically review continuous welded*  
5 *rail joint bar inspection data from railroads and*  
6 *Administration track inspectors; and*

7 *(B) require railroads to increase the fre-*  
8 *quency or improve the methods of inspection of*  
9 *joint bars in continuous welded rail, if the Ad-*  
10 *ministrator determines that such increase or im-*  
11 *provement is necessary or appropriate.*

12 *(b) TANK CAR STANDARDS.—The Administrator of the*  
13 *Federal Railroad Administration shall—*

14 *(1) not later than 1 year after the date of the en-*  
15 *actment of this Act, validate the predictive model it*  
16 *is developing to quantify the relevant dynamic forces*  
17 *acting on railroad tank cars under accident condi-*  
18 *tions; and*

19 *(2) not later than 18 months after the date of the*  
20 *enactment of this Act, initiate a rulemaking to de-*  
21 *velop and implement appropriate design standards*  
22 *for pressurized tank cars.*

23 *(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS*  
24 *AND REPORT.—Not later than 2 years after the date of the*

1 *enactment of this Act, the Administrator of the Federal*  
2 *Railroad Administration shall—*

3           (1) *conduct a comprehensive analysis to deter-*  
4 *mine the impact resistance of the steels in the shells*  
5 *of pressure tank cars constructed before 1989; and*

6           (2) *submit a report to the Committee on Com-*  
7 *merce, Science, and Transportation of the Senate and*  
8 *the Committee on Transportation and Infrastructure*  
9 *of the House of Representatives that contains rec-*  
10 *ommendations for measures to eliminate or mitigate*  
11 *the risk of catastrophic failure.*

12 **SEC. 515. NORTHERN BORDER RAIL PASSENGER REPORT.**

13           *Not later than 180 days after the date of the enactment*  
14 *of this Act, the Under Secretary, in consultation with the*  
15 *heads of other appropriate Federal departments and agen-*  
16 *cies and the National Railroad Passenger Corporation,*  
17 *shall submit a report to the Committee on Commerce,*  
18 *Science, and Transportation and Committee of Homeland*  
19 *Security and Governmental Affairs of the Senate and the*  
20 *Committee on Transportation and Infrastructure of the*  
21 *House of Representatives that contains—*

22           (1) *a description of the current system for*  
23 *screening passengers and baggage on passenger rail*  
24 *service between the United States and Canada;*

1           (2) *an assessment of the current program to pro-*  
2 *vide preclearance of airline passengers between the*  
3 *United States and Canada as outlined in “The Agree-*  
4 *ment on Air Transport Preclearance between the Gov-*  
5 *ernment of Canada and the Government of the United*  
6 *States of America”, dated January 18, 2001;*

7           (3) *an assessment of the current program to pro-*  
8 *vide preclearance of freight railroad traffic between*  
9 *the United States and Canada as outlined in the*  
10 *“Declaration of Principle for the Improved Security*  
11 *of Rail Shipments by Canadian National Railway*  
12 *and Canadian Pacific Railway from Canada to the*  
13 *United States”, dated April 2, 2003;*

14           (4) *information on progress by the Department*  
15 *of Homeland Security and other Federal agencies to-*  
16 *wards finalizing a bilateral protocol with Canada*  
17 *that would provide for preclearance of passengers on*  
18 *trains operating between the United States and Can-*  
19 *ada;*

20           (5) *a description of legislative, regulatory, budg-*  
21 *etary, or policy barriers within the United States*  
22 *Government to providing pre-screened passenger lists*  
23 *for rail passengers traveling between the United*  
24 *States and Canada to the Department of Homeland*  
25 *Security;*

1           (6) a description of the position of the Govern-  
2           ment of Canada and relevant Canadian agencies with  
3           respect to preclearance of such passengers; and

4           (7) a draft of any changes in existing Federal  
5           law necessary to provide for pre-screening of such  
6           passengers and providing pre-screened passenger lists  
7           to the Department of Homeland Security.

8 **SEC. 516. REPORT REGARDING IMPACT ON SECURITY OF**  
9                           **TRAIN TRAVEL IN COMMUNITIES WITHOUT**  
10                           **GRADE SEPARATION.**

11           (a) *STUDY.*—The Secretary of Homeland Security, in  
12           consultation with State and local government officials, shall  
13           conduct a study on the impact of blocked highway-railroad  
14           grade crossings on the ability of emergency responders, in-  
15           cluding ambulances and police, fire, and other emergency  
16           vehicles, to perform public safety and security duties in the  
17           event of a terrorist attack.

18           (b) *REPORT.*—Not later than 1 year after the date of  
19           the enactment of this Act, the Secretary of Homeland Secu-  
20           rity shall submit a report to the Committee on Commerce,  
21           Science, and Transportation and Committee of Homeland  
22           Security and Governmental Affairs of the Senate and the  
23           Committee on Transportation and Infrastructure of the  
24           House of Representatives that contains—

1           (1) *the findings of the study conducted under*  
2           *subsection (a); and*

3           (2) *recommendations for reducing the impact of*  
4           *blocked crossings on emergency response.*

5 **SEC. 517. WHISTLEBLOWER PROTECTION PROGRAM.**

6           (a) *IN GENERAL.*—*Subchapter I of chapter 201 of title*  
7 *49, United States Code, is amended by inserting after sec-*  
8 *tion 20115 the following:*

9 **“§20118. Whistleblower protection for rail security**  
10 ***matters***

11           “(a) *DISCRIMINATION AGAINST EMPLOYEE.*—*A rail*  
12 *carrier engaged in interstate or foreign commerce may not*  
13 *discharge a railroad employee or otherwise discriminate*  
14 *against a railroad employee because the employee (or any*  
15 *person acting pursuant to a request of the employee)—*

16           “(1) *provided, caused to be provided, or is about*  
17 *to provide or cause to be provided, to the employer or*  
18 *the Federal Government information relating to a*  
19 *reasonably perceived threat, in good faith, to security;*  
20 *or*

21           “(2) *provided, caused to be provided, or is about*  
22 *to provide or cause to be provided, testimony before*  
23 *Congress or at any Federal or State proceeding re-*  
24 *garding a reasonably perceived threat, in good faith,*  
25 *to security; or*

1           “(3) refused to violate or assist in the violation  
2           of any law, rule or regulation related to rail security.

3           “(b) *DISPUTE RESOLUTION*.—A dispute, grievance, or  
4 claim arising under this section is subject to resolution  
5 under section 3 of the Railway Labor Act (45 U.S.C. 153).  
6 In a proceeding by the National Railroad Adjustment  
7 Board, a division or delegate of the Board, or another board  
8 of adjustment established under such section 3 to resolve the  
9 dispute, grievance, or claim the proceeding shall be expe-  
10 dited and the dispute, grievance, or claim shall be resolved  
11 not later than 180 days after the filing date. If the violation  
12 is a form of discrimination that does not involve discharge,  
13 suspension, or another action affecting pay, and no other  
14 remedy is available under this subsection, the Board, divi-  
15 sion, delegate, or other board of adjustment may award the  
16 employee reasonable damages, including punitive damages,  
17 of not more than \$20,000.

18           “(c) *PROCEDURAL REQUIREMENTS*.—Except as pro-  
19 vided in subsection (b), the procedure set forth in section  
20 42121(b)(2)(B), including the burdens of proof, applies to  
21 any complaint brought under this section.

22           “(d) *ELECTION OF REMEDIES*.—An employee of a  
23 railroad carrier may not seek protection under both this  
24 section and another provision of law for the same allegedly  
25 unlawful act of the carrier.

1       “(e) *DISCLOSURE OF IDENTITY.*—

2               “(1) *IN GENERAL.*—*Except as provided in para-*  
3       *graph (2), or with the written consent of the em-*  
4       *ployee, the Secretary of Transportation may not dis-*  
5       *close the name of an employee of a railroad carrier*  
6       *who has provided information about an alleged viola-*  
7       *tion of this section.*

8               “(2) *ENFORCEMENT.*—*The Secretary shall dis-*  
9       *close to the Attorney General the name of an employee*  
10       *described in paragraph (1) if the matter is referred*  
11       *to the Attorney General for enforcement.”.*

12       (b) *CONFORMING AMENDMENT.*—*The chapter analysis*  
13       *for chapter 201 of title 49, United States Code, is amended*  
14       *by inserting after the item relating to section 20115 the fol-*  
15       *lowing:*

      “*Sec. 20118. Whistleblower protection for rail security matters.*”.

16       **SEC. 518. RAIL WORKER SECURITY TRAINING PROGRAM.**

17       (a) *IN GENERAL.*—*Not later than 180 days after the*  
18       *date of enactment of this Act, the Secretary of Homeland*  
19       *Security and the Secretary of Transportation, in consulta-*  
20       *tion with appropriate law enforcement, security, and ter-*  
21       *rorism experts, representatives of railroad carriers, and*  
22       *nonprofit employee organizations that represent rail work-*  
23       *ers, shall develop and issue detailed guidance for a rail*  
24       *worker security training program to prepare front-line*  
25       *workers for potential threat conditions. The guidance shall*

1 *take into consideration any current security training re-*  
2 *quirements or best practices.*

3       **(b) PROGRAM ELEMENTS.**—*The guidance developed*  
4 *under subsection (a) shall include elements, as appropriate*  
5 *to passenger and freight rail service, that address the fol-*  
6 *lowing:*

7           (1) *Determination of the seriousness of any oc-*  
8           *currence.*

9           (2) *Crew communication and coordination.*

10          (3) *Appropriate responses to defend or protect*  
11          *oneself.*

12          (4) *Use of protective devices.*

13          (5) *Evacuation procedures.*

14          (6) *Psychology of terrorists to cope with hijacker*  
15          *behavior and passenger responses.*

16          (7) *Situational training exercises regarding var-*  
17          *ious threat conditions.*

18          (8) *Any other subject the Secretary considers ap-*  
19          *propriate.*

20       **(c) RAILROAD CARRIER PROGRAMS.**—*Not later than*  
21 *90 days after the Secretary of Homeland Security issues*  
22 *guidance under subsection (a) in final form, each railroad*  
23 *carrier shall develop a rail worker security training pro-*  
24 *gram in accordance with that guidance and submit it to*  
25 *the Secretary for review. Not later than 30 days after receiv-*



1 *ing a railroad carrier's program under this subsection, the*  
2 *Secretary shall review the program and transmit comments*  
3 *to the railroad carrier concerning any revisions the Sec-*  
4 *retary considers necessary for the program to meet the guid-*  
5 *ance requirements. A railroad carrier shall respond to the*  
6 *Secretary's comments within 30 days after receiving them.*

7       (d) *TRAINING.*—*Not later than 1 year after the Sec-*  
8 *retary reviews the training program developed by a rail-*  
9 *road carrier under this section, the railroad carrier shall*  
10 *complete the training of all front-line workers in accordance*  
11 *with that program. The Secretary shall review implementa-*  
12 *tion of the training program of a representative sample of*  
13 *railroad carriers and report to the Senate Committee on*  
14 *Commerce, Science, and Transportation, the House of Rep-*  
15 *resentatives Committee on Transportation and Infrastruc-*  
16 *ture, and the House of Representatives Committee on*  
17 *Homeland Security on the number of reviews conducted and*  
18 *the results. The Secretary may submit the report in both*  
19 *classified and redacted formats as necessary.*

20       (e) *UPDATES.*—*The Secretary shall update the train-*  
21 *ing guidance issued under subsection (a) as appropriate to*  
22 *reflect new or different security threats. Railroad carriers*  
23 *shall revise their programs accordingly and provide addi-*  
24 *tional training to their front-line workers within a reason-*  
25 *able time after the guidance is updated.*

1           (f) *FRONT-LINE WORKERS DEFINED.*—*In this section,*  
2 *the term “front-line workers” means security personnel, dis-*  
3 *patchers, train operators, other onboard employees, mainte-*  
4 *nance and maintenance support personnel, bridge tenders,*  
5 *as well as other appropriate employees of railroad carriers,*  
6 *as defined by the Secretary.*

7           (g) *OTHER EMPLOYEES.*—*The Secretary of Homeland*  
8 *Security shall issue guidance and best practices for a rail*  
9 *shipper employee security program containing the elements*  
10 *listed under subsection (b) as appropriate.*

11 **SEC. 519. HIGH HAZARD MATERIAL SECURITY THREAT MITI-**  
12 **GATION PLANS.**

13           (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*  
14 *rity, in consultation with the Assistant Secretary of Home-*  
15 *land Security (Transportation Security Administration)*  
16 *and the Secretary of Transportation, shall require rail car-*  
17 *riers transporting a high hazard material, and of a quan-*  
18 *tity equal or exceeding the quantities of such material listed*  
19 *in subpart 172.800, title 49, Federal Code of Regulations,*  
20 *to develop a high hazard material security threat mitiga-*  
21 *tion plan containing appropriate measures, including al-*  
22 *ternative routing and temporary shipment suspension op-*  
23 *tions, to address assessed risks to high consequence targets.*  
24 *The plan, and any information submitted to the Secretary*  
25 *under this section shall be protected as sensitive security*

1 *information under the regulations prescribed under section*  
2 *114(s) of title 49, United States Code.*

3 (b) *IMPLEMENTATION.—A high hazard material secu-*  
4 *rity threat mitigation plan shall be put into effect by a*  
5 *rail carrier for the shipment of high hazardous materials*  
6 *by rail on the rail carrier’s right-of-way when the threat*  
7 *levels of the Homeland Security Advisory System are high*  
8 *or severe and specific intelligence of probable or imminent*  
9 *threat exists towards—*

10 (1) *a high-consequence target that is within the*  
11 *catastrophic impact zone of a railroad right-of-way*  
12 *used to transport high hazardous material; or*

13 (2) *rail infrastructure or operations within the*  
14 *immediate vicinity of a high-consequence target.*

15 (c) *COMPLETION AND REVIEW OF PLANS.—*

16 (1) *PLANS REQUIRED.—Each rail carrier*  
17 *shall—*

18 (A) *submit a list of routes used to transport*  
19 *high hazard materials to the Secretary of Home-*  
20 *land Security within 60 days after the date of*  
21 *enactment of this Act;*

22 (B) *develop and submit a high hazard ma-*  
23 *terial security threat mitigation plan to the Sec-*  
24 *retary within 180 days after it receives the no-*

1           *tice of high consequence targets on such routes by*  
2           *the Secretary; and*

3                   *(C) submit any subsequent revisions to the*  
4           *plan to the Secretary within 30 days after mak-*  
5           *ing the revisions.*

6           *(2) REVIEW AND UPDATES.—The Secretary, with*  
7           *assistance of the Secretary of Transportation, shall*  
8           *review the plans and transmit comments to the rail-*  
9           *road carrier concerning any revisions the Secretary*  
10          *considers necessary. A railroad carrier shall respond*  
11          *to the Secretary’s comments within 30 days after re-*  
12          *ceiving them. Each rail carrier shall update and re-*  
13          *submit its plan for review not less than every 2 years.*

14          *(d) DEFINITIONS.—In this section:*

15                   *(1) CATASTROPHIC IMPACT ZONE.—The term*  
16          *“catastrophic impact zone” means the area imme-*  
17          *diately adjacent to, under, or above an active railroad*  
18          *right-of-way used to ship high hazard materials in*  
19          *which the potential release or explosion of the high*  
20          *hazard material being transported would likely*  
21          *cause—*

22                           *(A) loss of life; or*

23                           *(B) significant damage to property or*  
24          *structures.*

1           (2) *HIGH-CONSEQUENCE TARGET.*—*The term*  
2           *“high-consequence target” means a building, build-*  
3           *ings, infrastructure, public space, or natural resource*  
4           *designated by the Secretary of Homeland Security*  
5           *that is viable terrorist target of national significance,*  
6           *the attack of which could result in—*

7                     (A) *catastrophic loss of life; and*

8                     (B) *significantly damaged national security*  
9                     *and defense capabilities; or*

10                    (C) *national economic harm.*

11           (3) *HIGH HAZARD MATERIALS.*—*The term “high*  
12           *hazard materials” means quantities of poison inhala-*  
13           *tion hazard materials, Class 2.3 gases, Class 6.1 ma-*  
14           *terials, and anhydrous ammonia that the Secretary,*  
15           *in consultation with the Secretary of Transportation,*  
16           *determines pose a security risk.*

17           (4) *RAIL CARRIER.*—*The term “rail carrier” has*  
18           *the meaning given that term by section 10102(5) of*  
19           *title 49, United States Code.*

20 **SEC. 520. PUBLIC AWARENESS.**

21           *Not later than 90 days after the date of enactment of*  
22           *this Act, the Secretary of Homeland Security, in consulta-*  
23           *tion with the Secretary of Transportation, shall develop a*  
24           *national plan for public outreach and awareness. Such plan*  
25           *shall be designed to increase awareness of measures that the*

1 *general public, railroad passengers, and railroad employees*  
2 *can take to increase railroad system security. Such plan*  
3 *shall also provide outreach to railroad carriers and their*  
4 *employees to improve their awareness of available tech-*  
5 *nologies, ongoing research and development efforts, and*  
6 *available Federal funding sources to improve railroad secu-*  
7 *rity. Not later than 9 months after the date of enactment*  
8 *of this Act, the Secretary of Homeland Security shall imple-*  
9 *ment the plan developed under this section.*

10 **SEC. 521. RAILROAD HIGH HAZARD MATERIAL TRACKING.**

11 *(a) WIRELESS COMMUNICATIONS.—*

12 *(1) IN GENERAL.—In conjunction with any rail*  
13 *security research and development program adminis-*  
14 *tered by the Department of Homeland Security and*  
15 *consistent with the results of research relating to wire-*  
16 *less tracking technologies, the Secretary of Homeland*  
17 *Security, in consultation with the Assistant Secretary*  
18 *of Homeland Security (Transportation Security Ad-*  
19 *ministration), shall develop a program that will en-*  
20 *courage the equipping of rail cars transporting high*  
21 *hazard materials (as defined in section 519) in quan-*  
22 *tities equal to or greater than the quantities specified*  
23 *in subpart 171.800 of title 49, Code of Federal Regu-*  
24 *lations, with wireless terrestrial or satellite commu-*  
25 *nications technology that provides—*

1           (A) car position location and tracking ca-  
2           pabilities;

3           (B) notification of rail car depressurization,  
4           breach, or unsafe temperature; and

5           (C) notification of hazardous material re-  
6           lease.

7           (2) *COORDINATION.*—*In developing the program*  
8           *required by paragraph (1), the Secretary shall—*

9           (A) *consult with the Secretary of Transpor-*  
10           *tation to coordinate the program with any ongo-*  
11           *ing or planned efforts for rail car tracking at the*  
12           *Department of Transportation; and*

13           (B) *ensure that the program is consistent*  
14           *with recommendations and findings of the De-*  
15           *partment of Homeland Security’s hazardous ma-*  
16           *terial tank rail car tracking pilot programs.*

17           (b) *FUNDING.*—*There are authorized to be appro-*  
18           *priated to the Secretary of Homeland Security to carry out*  
19           *this section \$3,000,000 for each of fiscal years 2007, 2008,*  
20           *and 2009.*

21           ***TITLE VI—NATIONAL ALERT***  
22           ***SYSTEM***

23           ***SEC. 601. SHORT TITLE.***

24           *This title may be cited as the “Warning, Alert, and*  
25           *Response Network Act”.*

1 **SEC. 602. NATIONAL ALERT SYSTEM.**

2 (a) *ESTABLISHMENT.*—*There is established a National*  
3 *Alert System to provide a public communications system*  
4 *capable of alerting the public on a national, regional, or*  
5 *local basis to emergency situations requiring a public re-*  
6 *sponse.*

7 (b) *FUNCTIONS.*—*The National Alert System—*

8 (1) *will enable any Federal, State, tribal, or*  
9 *local government official with credentials issued by*  
10 *the National Alert Office under section 603 to alert*  
11 *the public to any imminent threat that presents a sig-*  
12 *nificant risk of injury or death to the public;*

13 (2) *will be coordinated with and supplement ex-*  
14 *isting Federal, State, tribal, and local emergency*  
15 *warning and alert systems;*

16 (3) *will be flexible enough in its application to*  
17 *permit narrowly targeted alerts in circumstances in*  
18 *which only a small geographic area is exposed or po-*  
19 *tentially exposed to the threat; and*

20 (4) *will transmit alerts across the greatest pos-*  
21 *sible variety of communications technologies, includ-*  
22 *ing digital and analog broadcasts, cable and satellite*  
23 *television, satellite and terrestrial radio, wireless com-*  
24 *munications, wireline communications, and the Inter-*  
25 *net to reach the largest portion of the affected popu-*  
26 *lation.*



1       (c) *CAPABILITIES.—The National Alert System—*

2             (1) *shall incorporate multiple communications*  
3 *technologies and be designed to adapt to, and incor-*  
4 *porate, future technologies for communicating directly*  
5 *with the public;*

6             (2) *shall include mechanisms and technologies to*  
7 *ensure that members of the public with disabilities*  
8 *and older individuals (as defined in section 102(35)*  
9 *of the Older Americans Act of 1965 (42 U.S.C.*  
10 *3002(35))) are able to receive alerts and information*  
11 *provided through the National Alert System;*

12            (3) *shall not interfere with existing alert, warn-*  
13 *ing, priority access, or emergency communications*  
14 *systems employed by Federal, State, tribal, or local*  
15 *emergency response personnel and may utilize exist-*  
16 *ing emergency alert technologies, including the NOAA*  
17 *All-Hazards Radio System, digital and analog broad-*  
18 *cast, cable, and satellite television and satellite and*  
19 *terrestrial radio;*

20            (4) *shall not be based upon any single technology*  
21 *or platform, but shall be designed to provide alerts to*  
22 *the largest portion of the affected population feasible*  
23 *and improve the ability of remote areas to receive*  
24 *alerts;*

1           (5) shall incorporate technologies to alert effec-  
2           tively underserved communities (as determined by the  
3           Commission under section 608(a) of this title);

4           (6) when technologically feasible shall be capable  
5           of providing information in languages other than,  
6           and in addition to, English where necessary or ap-  
7           propriate; and

8           (7) shall be designed to promote local and re-  
9           gional public and private partnerships to enhance  
10          community preparedness and response.

11          (d) *RECEPTION OF ALERTS.*—*The National Alert Sys-*  
12          *tem shall—*

13               (1) utilize multiple technologies for providing  
14               alerts to the public, including technologies that do not  
15               require members of the public to activate a particular  
16               device or use a particular technology to receive an  
17               alert provided via the National Alert System; and

18               (2) provide redundant alert mechanisms where  
19               practicable so as to reach the greatest number of peo-  
20               ple regardless of whether they have access to, or uti-  
21               lize, any specific medium of communication or any  
22               particular device.

23          (e) *EMERGENCY ALERT SYSTEM.*—*Within 1 year after*  
24          *the date of enactment of this Act, the Federal Communica-*  
25          *tions Commission shall—*

1           (1) *ensure the President, Secretary of Homeland*  
2           *Security, and State Governors have access to the*  
3           *emergency alert system; and*

4           (2) *ensure that the Emergency Alert System can*  
5           *transmit in languages other than English.*

6 **SEC. 603. IMPLEMENTATION AND USE.**

7           (a) *AUTHORITY TO ACCESS SYSTEM.—*

8           (1) *IN GENERAL.—Within 180 days after the*  
9           *date of enactment of this Act, the National Alert Of-*  
10          *ice shall establish a process for issuing credentials to*  
11          *Federal, State, tribal, or local government officials*  
12          *with responsibility for issuing safety warnings to the*  
13          *public that will enable them to access the National*  
14          *Alert System and preserves access to existing alert,*  
15          *warning, and emergency communications systems*  
16          *pursuant to section 602(c)(3). The Office shall ap-*  
17          *prove or disapprove a request for credentials within*  
18          *60 days of request by the Federal department or agen-*  
19          *cy, the governor of the State or the elected leader of*  
20          *a federally recognized Indian tribe.*

21          (2) *REQUESTS FOR CREDENTIALS.—Requests for*  
22          *credentials from Federal, State, tribal, and local gov-*  
23          *ernment agencies shall be submitted to the Office by*  
24          *the head of the Federal department or agency, or the*  
25          *governor of the State or the elected leader of a Feder-*

1 *ally recognized Indian tribe, concerned, for review*  
2 *and approval.*

3 (3) *SCOPE AND LIMITATIONS OF CREDEN-*  
4 *TIALS.—The Office shall—*

5 (A) *establish eligibility criteria for issuing,*  
6 *renewing, and revoking access credentials;*

7 (B) *limit credentials to appropriate geo-*  
8 *graphic areas or political jurisdictions; and*

9 (C) *ensure that the credentials permit use of*  
10 *the National Alert System only for alerts that*  
11 *are consistent with the jurisdiction, authority,*  
12 *and basis for eligibility of the individual to*  
13 *whom the credentials are issued to use the Na-*  
14 *tional Alert System.*

15 (4) *PERIODIC TRAINING.—The Office shall—*

16 (A) *establish a periodic training program*  
17 *for Federal, State, tribal, or local government of-*  
18 *ficials with credentials to use the National Alert*  
19 *System; and*

20 (B) *require such officials to undergo peri-*  
21 *odic training under the program as a pre-*  
22 *requisite for retaining their credentials to use the*  
23 *system.*

24 (b) *ALLOWABLE ALERTS.—*

1           (1) *IN GENERAL.*—Any alert transmitted via the  
2 *National Alert System, other than an alert described in*  
3 *paragraph (3), shall meet 1 or more of the following re-*  
4 *quirements:*

5                   (A) *An alert shall notify the public of a*  
6 *hazardous situation that poses an imminent*  
7 *threat to the public health or safety.*

8                   (B) *An alert shall provide appropriate in-*  
9 *structions for actions to be taken by individuals*  
10 *affected or potentially affected by such a situa-*  
11 *tion.*

12                   (C) *An alert shall advise individuals of*  
13 *public addresses by Federal, State, tribal, or*  
14 *local officials when related to a significant threat*  
15 *to public safety and transmit such addresses*  
16 *when practicable and technically feasible.*

17                   (D) *An alert shall notify the public of when*  
18 *the hazardous situation has ended or has been*  
19 *brought under control.*

20           (2) *EVENT ELIGIBILITY REGULATIONS.*—*The di-*  
21 *rector of the National Alert Office, in consultation*  
22 *with the Working Group, shall by regulation*  
23 *specify—*

1           (A) *the classes of events or situations for*  
2 *which the National Alert System may be used to*  
3 *alert the public; and*

4           (B) *the content of the types of alerts that*  
5 *may be transmitted by or through use of the Na-*  
6 *tional Alert System, which may include—*

7                   (i) *notifications to the public of a haz-*  
8 *ardous situation that poses an imminent*  
9 *threat to the public health or safety accom-*  
10 *panied by appropriate instructions for ac-*  
11 *tions to be taken by individuals affected or*  
12 *potentially affected by such a situation; and*

13                   (ii) *when technologically feasible public*  
14 *addresses by Federal, State, tribal, or local*  
15 *officials related to a significant threat to*  
16 *public safety.*

17           (3) *OPT-IN PROCEDURES FOR OPTIONAL*  
18 *ALERTS.—The director of the Office, in coordination*  
19 *with the Working Group, may establish a procedure*  
20 *under which licensees who elect to participate in the*  
21 *National Alert System as described in subsection (d),*  
22 *may transmit non-emergency information via the Na-*  
23 *tional Alert System to individuals who request such*  
24 *information.*

1       (c) *ACCESS POINTS.*—*The National Alert System shall*  
2 *provide—*

3           (1) *secure, widely dispersed multiple access*  
4 *points to Federal, State, or local government officials*  
5 *with credentials that will enable them to initiate*  
6 *alerts for transmission to the public via the National*  
7 *Alert System; and*

8           (2) *system redundancies to ensure functionality*  
9 *in the event of partial system failures, power failures,*  
10 *or other interruptive events.*

11       (d) *ELECTION TO CARRY SERVICE.*—

12           (1) *AMENDMENT OF LICENSE.*—*Within 60 days*  
13 *after the date on which the National Alert Office*  
14 *adopts relevant technical standards based on rec-*  
15 *ommendations of the Working Group, the Federal*  
16 *Communications Commission shall initiate a pro-*  
17 *ceeding and subsequently issue an order—*

18           (A) *to allow any licensee providing com-*  
19 *mmercial mobile service (as defined in section*  
20 *332(d)(1) of the Communications Act of 1934*  
21 *(47 U.S.C. 332(d)(1))) to transmit National*  
22 *Alert System alerts to all subscribers to, or users*  
23 *of, such service; and*

24           (B) *to require any such licensee who elects*  
25 *under paragraph (2) not to participate in the*

1           *transmission of National Alert System alerts, to*  
2           *provide clear and conspicuous notice at the point*  
3           *of sale of any devices with which its service is*  
4           *included, that it will not transmit National*  
5           *Alert System alerts via its service.*

6           (2) *ELECTION TO CARRY SERVICE.*—

7                 (A) *IN GENERAL.*—*Within 30 days after the*  
8                 *Commission issues its order under paragraph*  
9                 *(1), each such licensee shall file an election with*  
10                *the Commission with respect to whether or not it*  
11                *intends to participate in the transmission of Na-*  
12                *tional Alert System alerts.*

13               (B) *PARTICIPATION.*—*If a licensee elects to*  
14                *participate in the transmission of National Alert*  
15                *System alerts, the licensee shall certify to the*  
16                *Commission that it will participate in a manner*  
17                *consistent with the standards and protocols im-*  
18                *plemented by the National Alert Office.*

19               (C) *ADVERTISING.*—*Nothing in this title*  
20                *shall be construed to prevent a licensee from ad-*  
21                *vertising that it participates in the transmission*  
22                *of National Alert System alerts.*

23               (D) *WITHDRAWAL FROM OR LATER ENTRY*  
24                *INTO SYSTEM.*—*The Commission shall establish a*  
25                *procedure—*



1           (i) for a participating licensee to with-  
2 draw from the National Alert System upon  
3 notification of its withdrawal to its existing  
4 subscribers;

5           (ii) for a licensee to enter the National  
6 Alert System at a date later than provided  
7 in subparagraph (A); and

8           (iii) under which a subscriber may ter-  
9 minate a subscription to service provided by  
10 a licensee that withdraws from the National  
11 Alert System without penalty or early ter-  
12 mination fee.

13           (E) CONSUMER CHOICE TECHNOLOGY.—  
14 Any licensee electing to participate in the trans-  
15 mission of National Alert System alerts may  
16 offer subscribers the capability of preventing the  
17 subscriber's device from receiving alerts broad-  
18 cast by the system other than an alert issued by  
19 the President.

20           (3) EXPANSION OF CLASS OF LICENSEES PAR-  
21 TICIPATING.—The Commission, in consultation with  
22 the National Alert Office, may expand the class of li-  
23 censees allowed to participate in the transmission of  
24 National Alert System alerts subject to such require-  
25 ments as the Commission, in consultation with the

1        *National Alert Office, determines to be necessary or*  
2        *appropriate—*

3                *(A) to ensure the broadest feasible propaga-*  
4                *tion of alerts transmitted by the National Alert*  
5                *System to the public; and*

6                *(B) to ensure that the functionality, integ-*  
7                *egrity, and security of the National Alert System*  
8                *is not compromised.*

9        *(e) DIGITAL TELEVISION TRANSMISSION TOWERS.—*

10                *(1) RETRANSMISSION CAPABILITY.—Within 30*  
11                *days after the date on which the National Alert Office*  
12                *adopts relevant technical standards based on rec-*  
13                *ommendations of the Working Group, the Federal*  
14                *Communications Commission shall initiate a pro-*  
15                *ceeding to require public broadcast television licensees*  
16                *and permittees to install necessary equipment and*  
17                *technologies on, or as part of, any broadcast television*  
18                *digital signal transmitter to enable the transmitter to*  
19                *serve as a backbone for the reception, relay, and re-*  
20                *transmission of National Alert System alerts.*

21                *(2) COMPENSATION.—The National Alert Office*  
22                *established by section 605 shall compensate any such*  
23                *licensee or permittee for costs incurred in complying*  
24                *with the requirements imposed pursuant to para-*  
25                *graph (1).*

1           (f) *FCC REGULATION OF COMPLIANCE.*—*Except as*  
2 *provided in subsections (d) and (e), the Federal Commu-*  
3 *nications Commission shall have no regulatory authority*  
4 *under this title except to regulate compliance with this title*  
5 *by licensees and permittees regulated by the Commission*  
6 *under the Communications Act of 1934 (47 U.S.C. 151 et*  
7 *seq.).*

8           (g) *LIMITATION OF LIABILITY.*—*Any person that par-*  
9 *ticipates in the transmission of National Alert System*  
10 *alerts and that meets its obligations under this title shall*  
11 *not be liable to any subscriber to, or user of, such person’s*  
12 *service or equipment for—*

13                 (1) *any act or omission related to or any harm*  
14 *resulting from the transmission of, or failure to trans-*  
15 *mit, a National Alert System alert to such subscriber*  
16 *or user; or*

17                 (2) *for the release to a government agency or en-*  
18 *tity, public safety, fire service, law enforcement offi-*  
19 *cial, or emergency facility of subscriber information*  
20 *used in connection with delivering an alert.*

21           (h) *TESTING.*—*The director shall establish testing cri-*  
22 *teria and guidelines for licensees that elect to participate*  
23 *in the transmission of National Alert System alerts.*

1 **SEC. 604. COORDINATION WITH EXISTING PUBLIC ALERT**  
2 **SYSTEMS AND AUTHORITY.**

3 (a) *EXISTING FEDERAL WARNING SYSTEM COORDINA-*  
4 *TION.*—*The director shall work with the Federal Commu-*  
5 *nications Commission, the National Oceanic and Atmos-*  
6 *pheric Administration, and other relevant Federal agencies*  
7 *to ensure that the National Alert System—*

8 (1) *complements, rather than duplicates, existing*  
9 *Federal alert systems; and*

10 (2) *obtains the maximum benefit possible from*  
11 *the utilization of existing research and development,*  
12 *technologies, and processes developed for or utilized by*  
13 *existing Federal alert systems.*

14 (b) *EXISTING ALERT AUTHORITY.*—*Nothing in this*  
15 *title shall be construed—*

16 (1) *to interfere with the authority of a Federal,*  
17 *State, or local government official under any other*  
18 *provision of law to transmit public alerts via the*  
19 *NOAA All-Hazards Radio System, digital and analog*  
20 *broadcast, cable, and satellite television and satellite*  
21 *and terrestrial radio, or any other emergency alert*  
22 *system in existence on the date of enactment of this*  
23 *Act;*

24 (2) *to require alerts transmitted under the au-*  
25 *thority described in paragraph (1) to comply with*  
26 *any standard established pursuant to section 603; or*

1           (3) *to require any Federal, State, or local gov-*  
2           *ernment official to obtain credentials or undergo*  
3           *training under this title before transmitting alerts*  
4           *under the authority described in paragraph (1).*

5 **SEC. 605. NATIONAL ALERT OFFICE.**

6           (a) *ESTABLISHMENT.*—

7           (1) *IN GENERAL.*—*The National Alert Office is*  
8           *established within the Department of Homeland Secu-*  
9           *rity.*

10          (2) *DIRECTOR.*—*The office shall be headed by a*  
11          *director with at least 5 years' operational experience*  
12          *in the management and issuance of warnings and*  
13          *alerts, hazardous event management, or disaster plan-*  
14          *ning. The Director shall serve under and report to the*  
15          *Secretary of Homeland Security or his designee.*

16          (3) *STAFF.*—*The office shall have a staff with*  
17          *significant technical expertise in the communications*  
18          *industry and emergency public communications. The*  
19          *director may request the detailing of staff from any*  
20          *appropriate Federal department or agency in order to*  
21          *ensure that the concerns of all such departments and*  
22          *agencies are incorporated into the daily operation of*  
23          *the National Alert System.*

24          (b) *FUNCTIONS AND RESPONSIBILITIES.*—

1           (1) *IN GENERAL.*—*The Office shall administer,*  
2           *operate, and manage the National Alert System estab-*  
3           *lished under this title.*

4           (2) *IMPLEMENTATION OF WORKING GROUP REC-*  
5           *COMMENDATIONS.*—*The Office shall be responsible for*  
6           *implementing the recommendations of the Working*  
7           *Group established by section 606 regarding—*

8                     (A) *the technical transmission of alerts;*

9                     (B) *the incorporation of new technologies*  
10            *into the National Alert System;*

11                    (C) *the technical capabilities of the Na-*  
12            *tional Alert System; and*

13                    (D) *any other matters that fall within the*  
14            *duties of the Working Group.*

15           (3) *TRANSMISSION OF ALERTS.*—*In administering the*  
16            *National Alert System, the director of the National Alert*  
17            *Office shall ensure that—*

18                    (A) *the National Alert System is available*  
19            *to, and enables, only Federal, State, tribal, or*  
20            *local government officials with credentials issued*  
21            *by the National Alert Office under section 603 to*  
22            *access and utilize the National Alert System;*

23                    (B) *the National Alert System is capable of*  
24            *providing geographically targeted alerts where*  
25            *such alerts are appropriate;*

1           (C) the legitimacy and authenticity of any  
2           proffered alert is verified before it is transmitted;

3           (D) each proffered alert complies with for-  
4           mats, protocols, and other requirements estab-  
5           lished by the Office to ensure the efficacy and  
6           usefulness of alerts transmitted via the National  
7           Alert System;

8           (E) the security and integrity of a National  
9           Alert System alert from the point of origination  
10          to delivery is maintained; and

11          (F) the security and integrity of the Na-  
12          tional Alert System is maintained and protected.

13          (c) *REPORTS.*—

14           (1) *ANNUAL REPORTS.*—The director shall sub-  
15          mit an annual report to the Senate Committee on  
16          Commerce, Science, and Transportation, the Senate  
17          Committee on Homeland Security and Governmental  
18          Affairs, the House of Representatives Committee on  
19          Homeland Security, the House of Representatives  
20          Committee on Energy and Commerce, the House of  
21          Representatives Committee on Science, and the House  
22          of Representatives Committee on Transportation and  
23          Infrastructure on the status of, and plans for, the Na-  
24          tional Alert System. In the first annual report, the  
25          director shall report on—

1           (A) *the progress made toward operational*  
2           *activation of the alerting capabilities of the Na-*  
3           *tional Alert System; and*

4           (B) *the anticipated date on which the Na-*  
5           *tional Alert System will be available for utiliza-*  
6           *tion by Federal, State, and local officials.*

7           (2) *5-YEAR PLAN.—Within 1 year after the date*  
8           *of enactment of this Act and every 5 years thereafter,*  
9           *the director shall publish a 5-year plan that outlines*  
10           *future capabilities and communications platforms for*  
11           *the National Alert System. The plan shall serve as the*  
12           *long-term planning document for the Office.*

13           (d) *GAO AUDITS.—*

14           (1) *IN GENERAL.—The Comptroller General shall*  
15           *audit the National Alert Office every 3 years after the*  
16           *date of enactment of this Act and periodically there-*  
17           *after and transmit the findings thereof to the Senate*  
18           *Committee on Commerce, Science, and Transporta-*  
19           *tion, the Senate Committee on Homeland Security*  
20           *and Governmental Affairs, the House of Representa-*  
21           *tives Committee on Homeland Security, the House of*  
22           *Representatives Committee on Energy and Commerce,*  
23           *the House of Representatives Committee on Science,*  
24           *and the House of Representatives Committee on*  
25           *Transportation and Infrastructure.*



1           (2) *RESPONSE REPORT.*—If, as a result of the  
2           audit, the Comptroller General expresses concern  
3           about any matter addressed by the audit, the director  
4           of the National Alert Office shall transmit a report to  
5           the Senate Committee on Commerce, Science, and  
6           Transportation, the Senate Committee on Homeland  
7           Security and Governmental Affairs, the House of  
8           Representatives Committee on Homeland Security,  
9           the House of Representatives Committee on Energy  
10          and Commerce, the House of Representatives Com-  
11          mittee on Science, and the House of Representatives  
12          Committee on Transportation and Infrastructure de-  
13          scribing what action, if any, the director is taking to  
14          respond to any such concern.

15 **SEC. 606. NATIONAL ALERT SYSTEM WORKING GROUP.**

16          (a) *ESTABLISHMENT.*—Not later than 60 days after  
17          the date of enactment of this Act, the director of the Na-  
18          tional Alert Office shall establish a working group, to be  
19          known as the National Alert System Working Group.

20          (b) *MEMBERSHIP.*—

21                  (1) *APPOINTMENT; CHAIR.*—The director shall  
22          appoint the members of the Working Group as soon  
23          as practicable after the date of enactment of this Act  
24          and shall serve as its chair. In appointing members  
25          of the Working Group, the director shall ensure that

1        *the number of members appointed under paragraph*  
2        *(5) provides appropriate and adequate representation*  
3        *for all stakeholders and interested and affected par-*  
4        *ties.*

5                (2) *FEDERAL AGENCY REPRESENTATIVES.*—*Ap-*  
6        *propriate personnel from the National Institute of*  
7        *Standards and Technology, the National Oceanic and*  
8        *Atmospheric Administration, the Federal Commu-*  
9        *nications Commission, the Federal Emergency Man-*  
10        *agement Agency, the Nuclear Regulatory Commission,*  
11        *the Department of Justice, the National Communica-*  
12        *tions System, the National Telecommunications and*  
13        *Information Administration, the Department of*  
14        *Homeland Security’s Preparedness Directorate, the*  
15        *United States Postal Service, and other appropriate*  
16        *Federal agencies shall serve as members of the Work-*  
17        *ing Group.*

18                (3) *STATE AND LOCAL GOVERNMENT REPRESENT-*  
19        *ATIVES.*—*The director shall appoint representatives of*  
20        *State and local governments and representatives of*  
21        *emergency services personnel, selected from among in-*  
22        *dividuals nominated by national organizations rep-*  
23        *resenting such governments and personnel, to serve as*  
24        *members of the Working Group.*

1           (4) *TRIBAL GOVERNMENTS.*—*The director shall*  
2 *appoint representatives from Federally recognized In-*  
3 *dian tribes and National Indian organizations.*

4           (5) *SUBJECT MATTER EXPERTS.*—*The director*  
5 *shall appoint individuals who have the requisite tech-*  
6 *nical knowledge and expertise to serve on the Working*  
7 *Group in the fulfillment of its duties, including rep-*  
8 *resentatives of—*

9                   (A) *communications service providers;*

10                   (B) *vendors, developers, and manufacturers*  
11 *of systems, facilities; equipment, and capabilities*  
12 *for the provision of communications services;*

13                   (C) *third-party service bureaus;*

14                   (D) *technical experts from the broadcasting*  
15 *industry;*

16                   (E) *the national organization representing*  
17 *the licensees and permittees of noncommercial*  
18 *broadcast television stations;*

19                   (F) *national organizations representing in-*  
20 *dividuals with special needs; and*

21                   (G) *other individuals with technical exper-*  
22 *tise that would enhance the National Alert Sys-*  
23 *tem.*

24           (c) *DUTIES OF THE WORKING GROUP.*—

1           (1) *DEVELOPMENT OF SYSTEM-CRITICAL REC-*  
2           *COMMENDATIONS.—Within 1 year after the date of en-*  
3           *actment of this Act, the Working Group shall develop*  
4           *and transmit to the National Alert Office rec-*  
5           *ommendations for—*

6                   (A) *protocols, including formats, source or*  
7                   *originator identification, threat severity, hazard*  
8                   *description, and response requirements or rec-*  
9                   *ommendations, for alerts to be transmitted via*  
10                  *the National Alert System that ensures that*  
11                  *alerts are capable of being utilized across the*  
12                  *broadest variety of communication technologies,*  
13                  *at National, State, and local levels;*

14                  (B) *procedures for verifying, initiating,*  
15                  *modifying, and canceling alerts transmitted via*  
16                  *the National Alert System;*

17                  (C) *guidelines for the technical capabilities*  
18                  *of the National Alert System;*

19                  (D) *guidelines for technical capability that*  
20                  *provides for the priority transmission of Na-*  
21                  *tional Alert System alerts;*

22                  (E) *guidelines for other capabilities of the*  
23                  *National Alert System as specified in this title;*

24                  (F) *standards for equipment and tech-*  
25                  *nologies used by the National Alert System;*

1           (G) *guidelines for the transmission of Na-*  
2           *tional System Alerts in languages in addition to*  
3           *English, to the extent practicable; and*

4           (H) *guidelines for incorporating the Na-*  
5           *tional Alert System into comprehensive emer-*  
6           *gency planning standards for public alert and*  
7           *notification and emergency public communica-*  
8           *tions.*

9           (2) *INTEGRATION OF EMERGENCY AND NATIONAL*  
10          *ALERT SYSTEMS.—The Working Group shall work*  
11          *with the operators of nuclear power plants and other*  
12          *critical infrastructure facilities to integrate emer-*  
13          *gency alert systems for those facilities with the Na-*  
14          *tional Alert System.*

15          (d) *MEETINGS.—*

16               (1) *INITIAL MEETING.—The initial meeting of*  
17               *the Working Group shall take place not later than 60*  
18               *days after the date of the enactment of this Act.*

19               (2) *OTHER MEETINGS.—After the initial meet-*  
20               *ing, the Working Group shall meet at the call of the*  
21               *chair.*

22               (3) *NOTICE; OPEN MEETINGS.—Any meetings*  
23               *held by the Working Group shall be duly noticed at*  
24               *least 14 days in advance and shall be open to the*  
25               *public.*

1       (e) *RESOURCES.*—

2             (1) *FEDERAL AGENCIES.*—*The Working Group*  
3       *shall have reasonable access to—*

4                     (A) *materials, resources, data, and other in-*  
5       *formation from the National Institute of Stand-*  
6       *ards and Technology, the Department of Com-*  
7       *merce and its agencies, the Department of Home-*  
8       *land Security and its bureaus, and the Federal*  
9       *Communications Commission; and*

10                    (B) *the facilities of any such agency for*  
11       *purposes of conducting meetings.*

12             (2) *GIFTS AND GRANTS.*—*The Working Group*  
13       *may accept, use, and dispose of gifts or grants of serv-*  
14       *ices or property, both real and personal, for purposes*  
15       *of aiding or facilitating the work of the Working*  
16       *Group. Gifts or grants not used at the expiration of*  
17       *the Working Group shall be returned to the donor or*  
18       *grantor.*

19       (f) *RULES.*—

20             (1) *QUORUM.*—*One-third of the members of the*  
21       *Working Group shall constitute a quorum for con-*  
22       *ducting business of the Working Group.*

23             (2) *SUBCOMMITTEES.*—*To assist the Working*  
24       *Group in carrying out its functions, the chair may*  
25       *establish appropriate subcommittees composed of*

1        *members of the Working Group and other subject mat-*  
2        *ter experts as deemed necessary.*

3            (3) *ADDITIONAL RULES.—The Working Group*  
4        *may adopt other rules as needed.*

5            (g) *FEDERAL ADVISORY COMMITTEE ACT.—Neither*  
6        *the Federal Advisory Committee Act (5 U.S.C. App.) nor*  
7        *any rule, order, or regulation promulgated under that Act*  
8        *shall apply to the Working Group.*

9        **SEC. 607. RESEARCH AND DEVELOPMENT.**

10          (a) *IN GENERAL.—The Undersecretary of Homeland*  
11        *Security for Science and Technology and the director joint-*  
12        *ly shall establish an extramural research and development*  
13        *program based on the recommendations of the Working*  
14        *Group to support the development of technology that will*  
15        *enable all existing and future providers of communications*  
16        *services and all existing and future communications devices*  
17        *to be utilized effectively with the National Alert System.*

18          (b) *FUNCTIONS.—In carrying out subsection (a) the*  
19        *Undersecretary for Science and Technology and the director*  
20        *shall—*

21            (1) *fund research and development which may*  
22        *include academia, the private sector, and government*  
23        *laboratories; and*

24            (2) *ensure that the program addresses, at a*  
25        *minimum—*





1 *of enabling residents of those communities to receive Na-*  
2 *tional Alert System alerts.*

3 (b) *APPLICATIONS AND CONDITIONS.—In conducting*  
4 *the program, the Undersecretary—*

5 (1) *shall establish a notification and application*  
6 *procedure; and*

7 (2) *may establish such conditions, and require*  
8 *such assurances, as may be appropriate to ensure the*  
9 *efficiency and integrity of the grant program.*

10 (c) *SUNSET.—The Undersecretary may not make*  
11 *grants under subsection (a) more than 5 years after the date*  
12 *of enactment of this Act.*

13 **SEC. 609. PUBLIC FAMILIARIZATION, OUTREACH, AND RE-**  
14 **SPONSE INSTRUCTIONS.**

15 *The director of the National Office, in consultation*  
16 *with the Working Group, shall conduct a program of public*  
17 *outreach to ensure that the public is aware of the National*  
18 *Alert System and understands its capabilities and uses for*  
19 *emergency preparedness and response. The program shall*  
20 *incorporate multiple communications technologies and*  
21 *methods, including inserts in packaging for wireless devices,*  
22 *Internet websites, and the use of broadcast radio and tele-*  
23 *vision Non-Commercial Sustaining Announcement Pro-*  
24 *grams.*

1 **SEC. 610. ESSENTIAL SERVICES DISASTER ASSISTANCE.**

2 *Title IV of the Robert T. Stafford Disaster Relief and*  
 3 *Emergency Assistance Act (42 U.S.C. 5170 et seq.) is*  
 4 *amended by adding at the end the following:*

5 **“SEC. 425. ESSENTIAL SERVICE PROVIDERS.**

6 *“(a) DEFINITION.—In this section, the term ‘essential*  
 7 *service provider’ means an entity that—*

8 *“(1) provides—*

9 *“(A) telecommunications service;*

10 *“(B) electrical power;*

11 *“(C) natural gas;*

12 *“(D) water and sewer services; or*

13 *“(E) any other essential service, as deter-*  
 14 *mined by the President;*

15 *“(2) is—*

16 *“(A) a municipal entity;*

17 *“(B) a nonprofit entity; or*

18 *“(C) a private, for-profit entity; and*

19 *“(3) is contributing to efforts to respond to an*  
 20 *emergency or major disaster.*

21 *“(b) AUTHORIZATION.—In an emergency or major dis-*  
 22 *aster, the President may use Federal equipment, supplies,*  
 23 *facilities, personnel, and other non-monetary resources to*  
 24 *assist an essential service provider, in exchange for reason-*  
 25 *able compensation.*

26 *“(c) COMPENSATION.—*

1           “(1) *IN GENERAL.*—*The President shall, by regu-*  
2           *lation, establish a mechanism to set reasonable com-*  
3           *ensation to the Federal Government for the provision*  
4           *of assistance under subsection (b).*

5           “(2) *CRITERIA.*—*The mechanism established*  
6           *under paragraph (1)—*

7                   “(A) *shall reflect the cost to the government*  
8                   *(or if this is not readily obtainable, the full mar-*  
9                   *ket value under the applicable circumstances) for*  
10                  *assistance provided under subsection (b) in set-*  
11                  *ting compensation;*

12                  “(B) *shall have, to the maximum degree fea-*  
13                  *sible, streamlined procedures for determining*  
14                  *compensation; and*

15                  “(C) *may, at the President’s discretion, be*  
16                  *based on a good faith estimate of cost to the gov-*  
17                  *ernment rather than an actual accounting of*  
18                  *costs.*

19           “(3) *PERIODIC REVIEW.*—*The President shall pe-*  
20           *riodically review, and if necessary revise, the regula-*  
21           *tions established pursuant to paragraphs (1) and (2)*  
22           *to ensure that these regulations result in full com-*  
23           *ensation to the government for transferred resources.*  
24           *Such reviews shall occur no less frequently than once*  
25           *every 2 years, and the results of such reviews shall be*

1       *reported to the House Transportation and Infrastruc-*  
2       *ture Committee and the Senate Homeland Security*  
3       *and Governmental Affairs Committee.”.*

4   **SEC. 611. DEFINITIONS.**

5       *In this title:*

6           (1) *DIRECTOR.*—*The term “director” means the*  
7       *director of the National Alert Office.*

8           (2) *OFFICE.*—*The term “Office” means the Na-*  
9       *tional Alert Office established by section 605.*

10          (3) *NATIONAL ALERT SYSTEM.*—*The term “Na-*  
11       *tional Alert System” means the National Alert Sys-*  
12       *tem established by section 602.*

13          (4) *NOAA.*—*The term “NOAA” means the Na-*  
14       *tional Oceanic and Atmospheric Administration.*

15          (5) *NON-COMMERCIAL SUSTAINING ANNOUNCE-*  
16       *MENT PROGRAM.*—*The term “Non-Commercial Sus-*  
17       *taining Announcement Program” means a radio and*  
18       *television campaign conducted for the benefit of a*  
19       *nonprofit organization or government agency using*  
20       *unsold commercial air time donated by participating*  
21       *broadcast stations for use in such campaigns, and for*  
22       *which the campaign’s sponsoring organization or*  
23       *agency funds the cost of underwriting programs that*  
24       *serve the public convenience, interest, and necessity,*

1       *as described in section 307 of the Communications*  
 2       *Act of 1934 (47 U.S.C. 307).*

3               (6) *WORKING GROUP.*—*The term “Working*  
 4       *Group” means the National Alert System Working*  
 5       *Group on the established under section 606.*

6       **SEC. 612. SAVINGS CLAUSE.**

7       *Nothing in this title shall interfere with or supersede*  
 8       *the authorities, missions, programs, operations, or activities*  
 9       *of the Federal Communications Commission or the Depart-*  
 10       *ment of Commerce, including those of the National Oceanic*  
 11       *and Atmospheric Administration, the National Institute of*  
 12       *Standards and Technology, and the National Telecommuni-*  
 13       *cations and Information Administration.*

14       **SEC. 613. FUNDING.**

15       *Funding for this title shall be provided from the Dig-*  
 16       *ital Transition and Public Safety Fund in accordance with*  
 17       *section 3010 of the Digital Television Transition and Pub-*  
 18       *lic Safety Act of 2005 (47 U.S.C. 309 note).*

19               **TITLE VII—MASS TRANSIT**  
 20                               **SECURITY**

21       **SEC. 701. SHORT TITLE.**

22       *This title may be cited as the “Public Transportation*  
 23       *Terrorism Prevention Act of 2006”.*

24       **SEC. 702. FINDINGS.**

25       *Congress finds that—*

1           (1) *public transportation systems throughout the*  
2 *world have been a primary target of terrorist attacks,*  
3 *causing countless death and injuries;*

4           (2) *5,800 public transportation agencies operate*  
5 *in the United States;*

6           (3) *14,000,000 people in the United States ride*  
7 *public transportation each work day;*

8           (4) *safe and secure public transportation systems*  
9 *are essential for the Nation's economy and for signifi-*  
10 *cant national and international public events;*

11           (5) *the Federal Transit Administration has in-*  
12 *vested \$74,900,000,000 since 1992 for construction*  
13 *and improvements to the Nation's public transpor-*  
14 *tation systems;*

15           (6) *the Federal Government appropriately in-*  
16 *vested \$18,100,000,000 in fiscal years 2002 through*  
17 *2005 to protect our Nation's aviation system and its*  
18 *1,800,000 daily passengers;*

19           (7) *the Federal Government has allocated*  
20 *\$250,000,000 in fiscal years 2003 through 2005 to*  
21 *protect public transportation systems in the United*  
22 *States;*

23           (8) *the Federal Government has invested \$7.38*  
24 *in aviation security improvements per passenger, but*

1     *only \$0.007 in public transportation security im-*  
2     *provements per passenger;*

3             *(9) the Government Accountability Office, the*  
4     *Mineta Institute for Surface Transportation Policy*  
5     *Studies, the American Public Transportation Associa-*  
6     *tion, and many transportation experts have reported*  
7     *an urgent need for significant investment in public*  
8     *transportation security improvements; and*

9             *(10) the Federal Government has a duty to deter*  
10    *and mitigate, to the greatest extent practicable,*  
11    *threats against the Nation's public transportation*  
12    *systems.*

13    **SEC. 703. SECURITY ASSESSMENTS.**

14            *(a) PUBLIC TRANSPORTATION SECURITY ASSESS-*  
15    *MENTS.—*

16                *(1) SUBMISSION.—Not later than 30 days after*  
17    *the date of the enactment of this Act, the Federal*  
18    *Transit Administration of the Department of Trans-*  
19    *portation shall submit all public transportation secu-*  
20    *rity assessments and all other relevant information to*  
21    *the Secretary of Homeland Security.*

22                *(2) REVIEW.—Not later than July 31, 2007, the*  
23    *Secretary of Homeland Security shall review and*  
24    *augment the security assessments received under*  
25    *paragraph (1).*

1           (3) *ALLOCATIONS.*—*The Secretary of Homeland*  
2           *Security shall use the security assessments received*  
3           *under paragraph (1) as the basis for allocating grant*  
4           *funds under section 704, unless the Secretary notifies*  
5           *the Committee on Banking, Housing, and Urban Af-*  
6           *airs of the Senate that the Secretary has determined*  
7           *that an adjustment is necessary to respond to an ur-*  
8           *gent threat or other significant factors.*

9           (4) *SECURITY IMPROVEMENT PRIORITIES.*—*Not*  
10          *later than September 30, 2007, the Secretary of*  
11          *Homeland Security, after consultation with the man-*  
12          *agement and employee representatives of each public*  
13          *transportation system for which a security assessment*  
14          *has been received under paragraph (1) and with ap-*  
15          *propriate State and local officials, shall establish se-*  
16          *curity improvement priorities that will be used by*  
17          *public transportation agencies for any funding pro-*  
18          *vided under section 704.*

19          (5) *UPDATES.*—*Not later than July 31, 2008,*  
20          *and annually thereafter, the Secretary of Homeland*  
21          *Security shall—*

22                   (A) *update the security assessments referred*  
23                   *to in this subsection; and*



1                   (B) conduct security assessments of all pub-  
2                   lic transportation agencies considered to be at  
3                   greatest risk of a terrorist attack.

4           (b) *USE OF SECURITY ASSESSMENT INFORMATION.*—  
5   *The Secretary of Homeland Security shall use the informa-*  
6   *tion collected under subsection (a)—*

7                   (1) to establish the process for developing secu-  
8                   rity guidelines for public transportation security; and

9                   (2) to design a security improvement strategy  
10                  that—

11                   (A) minimizes terrorist threats to public  
12                   transportation systems; and

13                   (B) maximizes the efforts of public trans-  
14                   portation systems to mitigate damage from ter-  
15                   rorist attacks.

16           (c) *BUS AND RURAL PUBLIC TRANSPORTATION SYS-*  
17   *TEMS.*—*Not later than July 31, 2007, the Secretary of*  
18   *Homeland Security shall conduct security assessments, ap-*  
19   *propriate to the size and nature of each system, to deter-*  
20   *mine the specific needs of—*

21                   (1) local bus-only public transportation systems;  
22                  and

23                   (2) selected public transportation systems that  
24                   receive funds under section 5311 of title 49, United  
25                   States Code.

1 **SEC. 704. SECURITY ASSISTANCE GRANTS.**

2 (a) *CAPITAL SECURITY ASSISTANCE PROGRAM.*—

3 (1) *IN GENERAL.*—*The Secretary of Homeland*  
4 *Security shall award grants directly to public trans-*  
5 *portation agencies for allowable capital security im-*  
6 *provements based on the priorities established under*  
7 *section 703(a)(4).*

8 (2) *ALLOWABLE USE OF FUNDS.*—*Grants award-*  
9 *ed under paragraph (1) may be used for—*

10 (A) *tunnel protection systems;*

11 (B) *perimeter protection systems;*

12 (C) *redundant critical operations control*  
13 *systems;*

14 (D) *chemical, biological, radiological, or ex-*  
15 *plosive detection systems;*

16 (E) *surveillance equipment;*

17 (F) *communications equipment;*

18 (G) *emergency response equipment;*

19 (H) *fire suppression and decontamination*  
20 *equipment;*

21 (I) *global positioning or automated vehicle*  
22 *locator type system equipment;*

23 (J) *evacuation improvements; and*

24 (K) *other capital security improvements.*

25 (b) *OPERATIONAL SECURITY ASSISTANCE PROGRAM.*—

1           (1) *IN GENERAL.*—*The Secretary of Homeland*  
2           *Security shall award grants directly to public trans-*  
3           *portation agencies for allowable operational security*  
4           *improvements based on the priorities established*  
5           *under section 703(a)(4).*

6           (2) *ALLOWABLE USE OF FUNDS.*—*Grants award-*  
7           *ed under paragraph (1) may be used for—*

8                   (A) *security training for public transpor-*  
9                   *tation employees, including bus and rail opera-*  
10                  *tors, mechanics, customer service, maintenance*  
11                  *employees, transit police, and security personnel;*

12                   (B) *live or simulated drills;*

13                   (C) *public awareness campaigns for en-*  
14                  *hanced public transportation security;*

15                   (D) *canine patrols for chemical, biological,*  
16                  *or explosives detection;*

17                   (E) *overtime reimbursement for enhanced*  
18                  *security personnel during significant national*  
19                  *and international public events, consistent with*  
20                  *the priorities established under section 703(a)(4);*  
21                  *and*

22                   (F) *other appropriate security improve-*  
23                  *ments identified under section 703(a)(4), exclud-*  
24                  *ing routine, ongoing personnel costs.*

1           (c) *COORDINATION WITH STATE HOMELAND SECURITY PLANS.*—*In establishing security improvement priorities under section 3(a)(4) and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively, the Secretary of Homeland Security shall ensure that its actions are consistent with relevant State Homeland Security Plans.*

9           (d) *MULTI-STATE TRANSPORTATION SYSTEMS.*—*In cases where a public transportation system operates in more than 1 State, the Secretary of Homeland Security shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 3(a)(4), and in awarding grants for capital security improvements and operational security improvements under subsections (a) and (b), respectively.*

18          (e) *CONGRESSIONAL NOTIFICATION.*—*Not later than 30 days before the award of any grant under this section, the Secretary of Homeland Security shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate of the intent to award such grant.*

23          (f) *PUBLIC TRANSPORTATION AGENCY RESPONSIBILITIES.*—*Each public transportation agency that receives a grant under this section shall—*

1           (1) *identify a security coordinator to coordinate*  
2           *security improvements;*

3           (2) *develop a comprehensive plan that dem-*  
4           *onstrates the agency's capacity for operating and*  
5           *maintaining the equipment purchased under this sec-*  
6           *tion; and*

7           (3) *report annually to the Department of Home-*  
8           *land Security on the use of grant funds received*  
9           *under this section.*

10          (g) *RETURN OF MISSPENT GRANT FUNDS.—If the Sec-*  
11          *retary of Homeland Security determines that a grantee used*  
12          *any portion of the grant funds received under this section*  
13          *for a purpose other than the allowable uses specified for that*  
14          *grant under this section, the grantee shall return any*  
15          *amount so used to the Treasury of the United States.*

16          **SEC. 705. INTELLIGENCE SHARING.**

17          (a) *INTELLIGENCE SHARING.—The Secretary of*  
18          *Homeland Security shall ensure that the Department of*  
19          *Transportation receives appropriate and timely notifica-*  
20          *tion of all credible terrorist threats against public transpor-*  
21          *tation assets in the United States.*

22          (b) *INFORMATION SHARING ANALYSIS CENTER.—*

23                  (1) *ESTABLISHMENT.—The Secretary of Home-*  
24                  *land Security shall provide sufficient financial assist-*  
25                  *ance for the reasonable costs of the Information Shar-*

1 *ing and Analysis Center for Public Transportation*  
2 *(referred to in this subsection as the “ISAC”)* estab-  
3 *lished pursuant to Presidential Directive 63, to pro-*  
4 *tect critical infrastructure.*

5 (2) *PUBLIC TRANSPORTATION AGENCY PARTICI-*  
6 *PATION.—The Secretary of Homeland Security—*

7 (A) *shall require those public transportation*  
8 *agencies that the Secretary determines to be at*  
9 *significant risk of terrorist attack to participate*  
10 *in the ISAC;*

11 (B) *shall encourage all other public trans-*  
12 *portation agencies to participate in the ISAC;*  
13 *and*

14 (C) *shall not charge a fee to any public*  
15 *transportation agency for participating in the*  
16 *ISAC.*

17 **SEC. 706. RESEARCH, DEVELOPMENT, AND DEMONSTRA-**  
18 **TION GRANTS AND CONTRACTS.**

19 (a) *GRANTS AND CONTRACTS AUTHORIZED.—The Sec-*  
20 *retary of Homeland Security, through the Homeland Secu-*  
21 *rity Advanced Research Projects Agency in the Science and*  
22 *Technology Directorate and in consultation with the Fed-*  
23 *eral Transit Administration, shall award grants or con-*  
24 *tracts to public or private entities to conduct research into,*  
25 *and demonstrate, technologies and methods to reduce and*

1 *deter terrorist threats or mitigate damages resulting from*  
2 *terrorist attacks against public transportation systems.*

3 (b) *USE OF FUNDS.—Grants or contracts awarded*  
4 *under subsection (a)—*

5 (1) *shall be coordinated with Homeland Security*  
6 *Advanced Research Projects Agency activities; and*

7 (2) *may be used to—*

8 (A) *research chemical, biological, radio-*  
9 *logical, or explosive detection systems that do not*  
10 *significantly impede passenger access;*

11 (B) *research imaging technologies;*

12 (C) *conduct product evaluations and test-*  
13 *ing; and*

14 (D) *research other technologies or methods*  
15 *for reducing or deterring terrorist attacks*  
16 *against public transportation systems, or miti-*  
17 *gating damage from such attacks.*

18 (c) *REPORTING REQUIREMENT.—Each entity that is*  
19 *awarded a grant or contract under this section shall report*  
20 *annually to the Department of Homeland Security on the*  
21 *use of grant or contract funds received under this section.*

22 (d) *RETURN OF MISSPENT GRANT OR CONTRACT*  
23 *FUNDS.—If the Secretary of Homeland Security determines*  
24 *that a grantee or contractor used any portion of the grant*  
25 *or contract funds received under this section for a purpose*

1 *other than the allowable uses specified under subsection (b),*  
2 *the grantee or contractor shall return any amount so used*  
3 *to the Treasury of the United States.*

4 **SEC. 707. REPORTING REQUIREMENTS.**

5 *(a) SEMI-ANNUAL REPORT TO CONGRESS.—*

6 *(1) IN GENERAL.—Not later than March 31 and*  
7 *September 30 each year, the Secretary of Homeland*  
8 *Security shall submit a report, containing the infor-*  
9 *mation described in paragraph (2), to—*

10 *(A) the Committee on Banking, Housing,*  
11 *and Urban Affairs of the Senate;*

12 *(B) the Committee on Homeland Security*  
13 *and Governmental Affairs of the Senate; and*

14 *(C) the Committee on Appropriations of the*  
15 *Senate.*

16 *(2) CONTENTS.—The report submitted under*  
17 *paragraph (1) shall include—*

18 *(A) a description of the implementation of*  
19 *the provisions of sections 703 through 706;*

20 *(B) the amount of funds appropriated to*  
21 *carry out the provisions of each of sections 703*  
22 *through 706 that have not been expended or obli-*  
23 *gated; and*

24 *(C) the state of public transportation secu-*  
25 *rity in the United States.*



1       **(b) ANNUAL REPORT TO GOVERNORS.**—

2               **(1) IN GENERAL.**—*Not later than March 31 each*  
 3       *year, the Secretary of Homeland Security shall sub-*  
 4       *mit a report to the Governor of each State with a*  
 5       *public transportation agency that has received a*  
 6       *grant under this title.*

7               **(2) CONTENTS.**—*The report submitted under*  
 8       *paragraph (1) shall specify—*

9                       **(A)** *the amount of grant funds distributed*  
 10                      *to each such public transportation agency; and*

11                      **(B)** *the use of such grant funds.*

12       **SEC. 708. AUTHORIZATION OF APPROPRIATIONS.**

13       **(a) CAPITAL SECURITY ASSISTANCE PROGRAM.**—

14       *There are authorized to be appropriated \$2,370,000,000 for*  
 15       *fiscal year 2007 to carry out the provisions of section*  
 16       *704(a), which shall remain available until expended.*

17       **(b) OPERATIONAL SECURITY ASSISTANCE PROGRAM.**—

18       *There are authorized to be appropriated to carry out the*  
 19       *provisions of section 704(b)—*

20                      **(1)** *\$534,000,000 for fiscal year 2007;*

21                      **(2)** *\$333,000,000 for fiscal year 2008; and*

22                      **(3)** *\$133,000,000 for fiscal year 2009.*

23       **(c) INTELLIGENCE.**—*There are authorized to be appro-*  
 24       *priated such sums as may be necessary to carry out the*  
 25       *provisions of section 705.*

1       (d) *RESEARCH.*—*There are authorized to be appro-*  
 2 *priated \$130,000,000 for fiscal year 2007 to carry out the*  
 3 *provisions of section 706, which shall remain available*  
 4 *until expended.*

5 **SEC. 709. SUNSET PROVISION.**

6       *The authority to make grants under this title shall ex-*  
 7 *pire on October 1, 2010.*

8       **TITLE VIII—DOMESTIC NUCLEAR**  
 9       **DETECTION OFFICE**

10 **SEC. 801. ESTABLISHMENT OF DOMESTIC NUCLEAR DETEC-**  
 11 **TION OFFICE.**

12       (a) *ESTABLISHMENT OF OFFICE.*—*The Homeland Se-*  
 13 *curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by*  
 14 *adding at the end the following:*

15       **“TITLE XVIII—DOMESTIC**  
 16 **NUCLEAR DETECTION OFFICE**

17 **“SEC. 1801. DOMESTIC NUCLEAR DETECTION OFFICE.**

18       “(a) *ESTABLISHMENT.*—*There shall be established in*  
 19 *the Department of Homeland Security a Domestic Nuclear*  
 20 *Detection Office. The Secretary of Homeland Security may*  
 21 *request that the Secretaries of Defense, Energy, and State,*  
 22 *the Attorney General, the Nuclear Regulatory Commission,*  
 23 *and the directors of other Federal agencies, including ele-*  
 24 *ments of the Intelligence Community, provide for the reim-*

1 *bursable detail of personnel with relevant expertise to the*  
2 *Office.*

3       “(b) *DIRECTOR.*—*The Office shall be headed by a Di-*  
4 *rector for Domestic Nuclear Detection, who shall be ap-*  
5 *pointed by the President.*

6 **“SEC. 1802. MISSION OF OFFICE.**

7       “(a) *MISSION.*—*The Office shall be responsible for co-*  
8 *ordinating Federal efforts to detect and protect against the*  
9 *unauthorized importation, possession, storage, transpor-*  
10 *tation, development, or use of a nuclear explosive device,*  
11 *fissile material, or radiological material in the United*  
12 *States, and to protect against attack using such devices or*  
13 *materials against the people, territory, or interests of the*  
14 *United States and, to this end, shall—*

15               “(1) *serve as the primary entity in the United*  
16 *States Government to further develop, acquire, and*  
17 *support the deployment of an enhanced domestic sys-*  
18 *tem to detect and report on attempts to import, pos-*  
19 *sess, store, transport, develop, or use an unauthorized*  
20 *nuclear explosive device, fissile material, or radio-*  
21 *logical material in the United States, and improve*  
22 *that system over time;*

23               “(2) *enhance and coordinate the nuclear detec-*  
24 *tion efforts of Federal, State, local, and tribal govern-*

1        *ments and the private sector to ensure a managed, co-*  
2        *ordinated response;*

3                *“(3) establish, with the approval of the Secretary*  
4        *of Homeland Security and in coordination with the*  
5        *Attorney General and the Secretaries of Defense and*  
6        *Energy, additional protocols and procedures for use*  
7        *within the United States to ensure that the detection*  
8        *of unauthorized nuclear explosive devices, fissile mate-*  
9        *rial, or radiological material is promptly reported to*  
10        *the Attorney General, the Secretaries of Defense,*  
11        *Homeland Security, and Energy, and other appro-*  
12        *priate officials or their respective designees for appro-*  
13        *priate action by law enforcement, military, emer-*  
14        *gency response, or other authorities;*

15                *“(4) develop, with the approval of the Secretary*  
16        *of Homeland Security and in coordination with the*  
17        *Attorney General and the Secretaries of State, De-*  
18        *fense, and Energy, an enhanced global nuclear detec-*  
19        *tion architecture with implementation under which—*

20                        *“(A) the Domestic Nuclear Detection Office*  
21                        *will be responsible for the implementation of the*  
22                        *domestic portion of the global architecture;*

23                        *“(B) the Secretary of Defense will retain re-*  
24                        *sponsibility for implementation of Department of*

1           *Defense requirements within and outside the*  
2           *United States; and*

3                   “(C) the Secretaries of State, Defense, and  
4           *Energy will maintain their respective respon-*  
5           *sibilities for policy guidance and implementa-*  
6           *tion of the portion of the global architecture out-*  
7           *side the United States, which will be imple-*  
8           *mented consistent with applicable law and rel-*  
9           *evant international arrangements;*

10                   “(5) conduct, support, coordinate, and encourage  
11           *an aggressive, expedited, evolutionary, and trans-*  
12           *formational program of research and development ef-*  
13           *forts to prevent and detect the illicit entry, transport,*  
14           *assembly, or potential use within the United States of*  
15           *a nuclear explosive device or fissile or radiological*  
16           *material;*

17                   “(6) support and enhance the effective sharing  
18           *and use of appropriate information generated by the*  
19           *intelligence community, law enforcement agencies,*  
20           *counterterrorism community, other government agen-*  
21           *cies, and foreign governments, as well as provide ap-*  
22           *propriate information to such entities;*

23                   “(7) further enhance and maintain continuous  
24           *awareness by analyzing information from all Domes-*

1        *tic Nuclear Detection Office mission-related detection*  
2        *systems; and*

3                *“(8) perform other duties as assigned by the Sec-*  
4        *retary.*

5        **“SEC. 1803. HIRING AUTHORITY.**

6                *“In hiring personnel for the Office, the Secretary of*  
7        *Homeland Security shall have the hiring and management*  
8        *authorities provided in section 1101 of the Strom Thur-*  
9        *mond National Defense Authorization Act for Fiscal Year*  
10        *1999 (5 U.S.C. 3104 note; Public Law 105–261). The term*  
11        *of appointments for employees under subsection (c)(1) of*  
12        *that section may not exceed 5 years before granting any*  
13        *extension under subsection (c)(2) of that section.*

14        **“SEC. 1804. TESTING AUTHORITY.**

15                *“(a) IN GENERAL.—The Director shall coordinate with*  
16        *the responsible Federal agency or other entity to facilitate*  
17        *the use by the Office, by its contractors, or by other persons*  
18        *or entities, of existing Government laboratories, centers,*  
19        *ranges, or other testing facilities for the testing of materials,*  
20        *equipment, models, computer software, and other items as*  
21        *may be related to the missions identified in section 1802.*  
22        *Any such use of Government facilities shall be carried out*  
23        *in accordance with all applicable laws, regulations, and*  
24        *contractual provisions, including those governing security,*  
25        *safety, and environmental protection, including, when ap-*

1 *plicable, the provisions of section 309. The Office may direct*  
2 *that private-sector entities utilizing Government facilities*  
3 *in accordance with this section pay an appropriate fee to*  
4 *the agency that owns or operates those facilities to defray*  
5 *additional costs to the Government resulting from such use.*

6       “(b) *CONFIDENTIALITY OF TEST RESULTS.*—*The re-*  
7 *sults of tests performed with services made available shall*  
8 *be confidential and shall not be disclosed outside the Federal*  
9 *Government without the consent of the persons for whom*  
10 *the tests are performed.*

11       “(c) *FEEES.*—*Fees for services made available under*  
12 *this section shall not exceed the amount necessary to recoup*  
13 *the direct and indirect costs involved, such as direct costs*  
14 *of utilities, contractor support, and salaries of personnel*  
15 *that are incurred by the United States to provide for the*  
16 *testing.*

17       “(d) *USE OF FEEES.*—*Fees received for services made*  
18 *available under this section may be credited to the appro-*  
19 *priation from which funds were expended to provide such*  
20 *services.*

21 **“SEC. 1805. RELATIONSHIP TO OTHER DEPARTMENT ENTI-**  
22 **TIES AND FEDERAL AGENCIES.**

23       “*The authority of the Director under this title shall*  
24 *not affect the authorities or responsibilities of any officer*  
25 *of the Department of Homeland Security or of any officer*

1 *of any other Department or agency of the United States*  
2 *with respect to the command, control, or direction of the*  
3 *functions, personnel, funds, assets, and liabilities of any en-*  
4 *tity within the Department of Homeland Security or any*  
5 *Federal department or agency.”.*

6 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

7 *(1) Section 103(d) of the Homeland Security Act*  
8 *of 2002 (6 U.S.C. 113(d)) is amended by adding at*  
9 *the end the following:*

10 *“(5) A Director of the Domestic Nuclear Detec-*  
11 *tion Office.”.*

12 *(2) Section 302 of such Act (6 U.S.C. 182) is*  
13 *amended—*

14 *(A) in paragraph (2) by striking “radio-*  
15 *logical, nuclear”; and*

16 *(B) in paragraph (5)(A) by striking “radio-*  
17 *logical, nuclear”.*

18 *(3) Section 305 of such Act (6 U.S.C. 185) is*  
19 *amended by inserting “and the Director of the Domes-*  
20 *tic Nuclear Detection Office” after “Technology”.*

21 *(4) Section 308 of such Act (6 U.S.C. 188) is*  
22 *amended in each of subsections (a) and (b)(1) by in-*  
23 *serting “and the Director of the Domestic Nuclear De-*  
24 *tection Office” after “Technology” each place it ap-*  
25 *pears.*



1           (5) *The table of contents of such Act (6 U.S.C.*  
2           *101) is amended by adding at the end the following:*

          “*TITLE XVIII—DOMESTIC NUCLEAR DETECTION OFFICE*

          “*Sec. 1801. Domestic Nuclear Detection Office.*

          “*Sec. 1802. Mission of office.*

          “*Sec. 1803. Hiring authority.*

          “*Sec. 1804. Testing authority.*

          “*Sec. 1805. Relationship to other department entities and Federal agencies.*”.

3   **SEC. 802. TECHNOLOGY RESEARCH AND DEVELOPMENT IN-**  
4                           **VESTMENT STRATEGY FOR NUCLEAR AND RA-**  
5                           **DIOLGICAL DETECTION.**

6           (a) *IN GENERAL.*—*Not later than 1 year after the date*  
7           *of enactment of this Act, the Secretary of Homeland Secu-*  
8           *rety, the Secretary of the Department of Energy, the Sec-*  
9           *retary of Defense, and the Director of National Intelligence*  
10           *shall submit to Congress a research and development invest-*  
11           *ment strategy for nuclear and radiological detection.*

12           (b) *CONTENTS.*—*The strategy under subsection (a)*  
13           *shall include—*

14                   (1) *a long-term technology roadmap for nuclear*  
15                   *and radiological detection applicable to the mission*  
16                   *needs of the Departments of Homeland Security, En-*  
17                   *ergy, and Defense, and the Office of the Director of*  
18                   *National Intelligence;*

19                   (2) *budget requirements necessary to meet the*  
20                   *roadmap; and*

21                   (3) *documentation of how the Departments of*  
22                   *Homeland Security, Energy, and Defense, and the Of-*

1        *office of the Director of National Intelligence will im-*  
2        *plement the intent of this title.*

3        **TITLE IX—IMPROVED MOTOR**  
4        **CARRIER, BUS, AND HAZ-**  
5        **ARDOUS MATERIAL SECURITY**

6        **SEC. 901. SHORT TITLE.**

7        *This title may be cited as the “Transportation Secu-*  
8        *rity Improvement Act of 2006”.*

9        **SEC. 902. HAZARDOUS MATERIALS HIGHWAY ROUTING.**

10        *(a) ROUTE PLAN GUIDANCE.—Within one year after*  
11        *the date of enactment of this Act, the Secretary of Transpor-*  
12        *tation, in consultation with the Secretary of Homeland Se-*  
13        *curity, shall—*

14                *(1) document existing and proposed routes for*  
15                *the transportation of radioactive and non-radioactive*  
16                *hazardous materials by motor carrier, and develop a*  
17                *framework for using a Geographic Information Sys-*  
18                *tem-based approach to characterize routes in the Na-*  
19                *tional Hazardous Materials Route Registry;*

20                *(2) assess and characterize existing and proposed*  
21                *routes for the transportation of radioactive and non-*  
22                *radioactive hazardous materials by motor carrier for*  
23                *the purpose of identifying measurable criteria for se-*  
24                *lecting routes based on safety and security concerns;*

1           (3) analyze current route-related hazardous ma-  
2           terials regulations in the United States, Canada, and  
3           Mexico to identify cross-border differences and con-  
4           flicting regulations;

5           (4) document the concerns of the public, motor  
6           carriers, and State, local, territorial, and tribal gov-  
7           ernments about the highway routing of hazardous ma-  
8           terials for the purpose of identifying and mitigating  
9           security vulnerabilities associated with hazardous ma-  
10          terial routes;

11          (5) prepare guidance materials for State officials  
12          to assist them in identifying and reducing both safety  
13          concerns and security vulnerabilities when desig-  
14          nating highway routes for hazardous materials con-  
15          sistent with the 13 safety-based non-radioactive mate-  
16          rials routing criteria and radioactive materials rout-  
17          ing criteria in Subpart C part 397 of title 49, Code  
18          of Federal Regulations;

19          (6) develop a tool that will enable State officials  
20          to examine potential routes for the highway transpor-  
21          tation of hazardous material and assess specific secu-  
22          rity vulnerabilities associated with each route and ex-  
23          plore alternative mitigation measures; and

24          (7) transmit to the Senate Committee on Com-  
25          merce, Science, and Transportation, and the House of

1 *Representatives Committee on Transportation and*  
2 *Infrastructure a report on the actions taken to fulfill*  
3 *paragraphs (1) through (6) of this subsection and any*  
4 *recommended changes to the routing requirements for*  
5 *the highway transportation of hazardous materials in*  
6 *part 397 of title 49, Code of Federal Regulations.*

7 *(b) ROUTE PLANS.—*

8 *(1) ASSESSMENT.—Within one year after the*  
9 *date of enactment of this Act, the Secretary of Trans-*  
10 *portation shall complete an assessment of the safety*  
11 *and national security benefits achieved under existing*  
12 *requirements for route plans, in written or electronic*  
13 *format, for explosives and radioactive materials. The*  
14 *assessment shall, at a minimum—*

15 *(A) compare the percentage of Department*  
16 *of Transportation recordable incidents and the*  
17 *severity of such incidents for shipments of explo-*  
18 *sives and radioactive materials for which such*  
19 *route plans are required with the percentage of*  
20 *recordable incidents and the severity of such in-*  
21 *cidents for shipments of explosives and radio-*  
22 *active materials not subject to such route plans;*  
23 *and*

24 *(B) quantify the security and safety bene-*  
25 *fits, feasibility, and costs of requiring each motor*

1           *carrier that is required to have a hazardous ma-*  
2           *terial safety permit under part 385 of title 49,*  
3           *Code of Federal Regulations, to maintain, follow,*  
4           *and carry such a route plan that meets the re-*  
5           *quirements of section 397.101 of that title when*  
6           *transporting the type and quantity of hazardous*  
7           *materials described in section 385.403 of that*  
8           *title, taking into account the various segments of*  
9           *the trucking industry, including tank truck,*  
10          *truckload and less than truckload carriers.*

11           (2) *REPORT.*—*Within one year after the date of*  
12          *enactment of this Act, the Secretary of Transportation*  
13          *shall submit a report to the Senate Committee on*  
14          *Commerce, Science, and Transportation, and the*  
15          *House of Representatives Committee on Transpor-*  
16          *tation and Infrastructure containing the findings and*  
17          *conclusions of the assessment.*

18           (c) *REQUIREMENT.*—*The Secretary shall require motor*  
19          *carriers that have a hazardous material safety permit*  
20          *under part 385 of title 49, Code of Federal Regulations,*  
21          *to maintain, follow, and carry a route plan, in written or*  
22          *electronic format, that meets the requirements of section*  
23          *397.101 of that title when transporting the type and quan-*  
24          *tity of hazardous materials described in section 385.403 of*  
25          *that title if the Secretary determines, under the assessment*

1 *required in subsection (b), that such a requirement would*  
2 *enhance the security and safety of the nation without im-*  
3 *posing unreasonable costs or burdens upon motor carriers.*

4 **SEC. 903. MOTOR CARRIER HIGH HAZARD MATERIAL**  
5 **TRACKING.**

6 *(a) WIRELESS COMMUNICATIONS—*

7 *(1) IN GENERAL.—Consistent with the findings*  
8 *of the Transportation Security Administration’s*  
9 *Hazmat Truck Security Pilot Program and within 6*  
10 *months after the date of enactment of this Act, the*  
11 *Secretary of Homeland Security, through the Trans-*  
12 *portation Security Administration and in consulta-*  
13 *tion with the Secretary of Transportation, shall de-*  
14 *velop a program to encourage the equipping of motor*  
15 *carriers transporting high hazard materials in quan-*  
16 *tities equal to or greater than the quantities specified*  
17 *in subpart 171.800 of title 49, Code of Federal Regu-*  
18 *lations, with wireless communications technology that*  
19 *provides—*

20 *(A) continuous communications;*

21 *(B) vehicle position location and tracking*  
22 *capabilities; and*

23 *(C) a feature that allows a driver of such*  
24 *vehicles to broadcast an emergency message.*

1           (2) *CONSIDERATIONS.*—*In developing the pro-*  
2 *gram required by paragraph (1), the Secretary*  
3 *shall—*

4                   (A) *consult with the Secretary of Transpor-*  
5 *tation to coordinate the program with any ongo-*  
6 *ing or planned efforts for motor carrier tracking*  
7 *at the Department of Transportation;*

8                   (B) *take into consideration the rec-*  
9 *ommendations and findings of the report on the*  
10 *Hazardous Material Safety and Security Oper-*  
11 *ation Field Test released by the Federal Motor*  
12 *Carrier Safety Administration on November 11,*  
13 *2004;*

14                   (C) *evaluate—*

15                           (i) *any new information related to the*  
16 *cost and benefits of deploying and utilizing*  
17 *truck tracking technology for motor carriers*  
18 *transporting high hazard materials not in-*  
19 *cluded in the Hazardous Material Safety*  
20 *and Security Operation Field Test Report*  
21 *released by the Federal Motor Carrier Safe-*  
22 *ty Administration on November 11, 2004;*

23                           (ii) *the ability of truck tracking tech-*  
24 *nology to resist tampering and disabling;*





1 *Security Administration, in consultation with the Sec-*  
2 *retary of Transportation, for reviewing hazardous mate-*  
3 *rials security plans required under part 172, title 49, Code*  
4 *of Federal Regulations, within 180 days after the date of*  
5 *enactment of this Act. In establishing the program, the Sec-*  
6 *retary shall ensure that—*

7           (1) *the program does not subject carriers to un-*  
8 *necessarily duplicative reviews of their security plans*  
9 *by the 2 departments; and*

10           (2) *a common set of standards is used to review*  
11 *the security plans.*

12       (b) *CIVIL PENALTY.—The failure, by a shipper, car-*  
13 *rier, or other person subject to part 172 of title 49, Code*  
14 *of Federal Regulations, to comply with any applicable sec-*  
15 *tion of that part within 180 days after being notified by*  
16 *the Secretary of such failure to comply, is punishable by*  
17 *a civil penalty imposed by the Secretary under title 49,*  
18 *United States Code. For purposes of this subsection, each*  
19 *day of noncompliance after the 181st day following the date*  
20 *on which the shipper, carrier, or other person received no-*  
21 *tice of the failure shall constitute a separate failure.*

22       (c) *COMPLIANCE REVIEW.—In reviewing the compli-*  
23 *ance of hazardous materials shippers, carriers, or other per-*  
24 *sons subject to part 172 of title 49, Code of Federal Regula-*  
25 *tions, with the provisions of that part, the Secretary shall*

1 *utilize risk assessment methodologies to prioritize review*  
2 *and enforcement actions to the most vulnerable and critical*  
3 *hazardous materials transportation operations.*

4       (d) *TRANSPORTATION COSTS STUDY.*—*Within 1 year*  
5 *after the date of enactment of this Act, the Secretary of*  
6 *Transportation, in conjunction with the Secretary of Home-*  
7 *land Security, shall study to what extent the insurance, se-*  
8 *curity, and safety costs borne by railroad carriers, motor*  
9 *carriers, pipeline carriers, air carriers, and maritime car-*  
10 *riers associated with the transportation of hazardous mate-*  
11 *rials are reflected in the rates paid by shippers of such com-*  
12 *modities as compared to the costs and rates respectively for*  
13 *the transportation of non-hazardous materials.*

14       (e) *FUNDING.*—*There are authorized to be appro-*  
15 *priated to the Secretary of Homeland Security to carry out*  
16 *this section—*

17               (1) *\$2,000,000 for fiscal year 2007;*

18               (2) *\$2,000,000 for fiscal year 2008; and*

19               (3) *\$2,000,000 for fiscal year 2009.*

20 **SEC. 905. TRUCK SECURITY ASSESSMENT.**

21       *Not later than 1 year after the date of enactment of*  
22 *this Act, the Secretary of Transportation shall transmit to*  
23 *the Senate Committee on Commerce, Science, and Trans-*  
24 *portation, Senate Committee on Finance, the House of Rep-*  
25 *resentatives Committee on Transportation and Infrastruc-*

1 *ture, the House of Representatives Committee on Homeland*  
2 *Security, and the House of Representatives Committe on*  
3 *Ways and Means, a report on security issues related to the*  
4 *trucking industry that includes—*

5 *(1) an assessment of actions already taken to ad-*  
6 *dress identified security issues by both public and*  
7 *private entities;*

8 *(2) an assessment of the economic impact that*  
9 *security upgrades of trucks, truck equipment, or truck*  
10 *facilities may have on the trucking industry and its*  
11 *employees, including independent owner-operators;*

12 *(3) an assessment of ongoing research and the*  
13 *need for additional research on truck security; and*

14 *(4) an assessment of industry best practices to*  
15 *enhance security.*

16 **SEC. 906. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.**

17 *(a) DEVELOPMENT.—The Secretary of Homeland Se-*  
18 *curity, in conjunction with the Secretary of Transportation,*  
19 *shall consider the development of a national public sector*  
20 *response system to receive security alerts, emergency mes-*  
21 *sages, and other information used to track the transpor-*  
22 *tation of high hazard materials which can provide accurate,*  
23 *timely, and actionable information to appropriate first re-*  
24 *sponder, law enforcement and public safety, and homeland*  
25 *security officials, as appropriate, regarding accidents,*

1 *threats, thefts, or other safety and security risks or inci-*  
2 *dents. In considering the development of this system, they*  
3 *shall consult with law enforcement and public safety offi-*  
4 *cials, hazardous material shippers, motor carriers, rail-*  
5 *roads, organizations representing hazardous material em-*  
6 *ployees, State transportation and hazardous materials offi-*  
7 *cials, private for-profit and non-profit emergency response*  
8 *organizations, and commercial motor vehicle and hazardous*  
9 *material safety groups. Consideration of development of the*  
10 *national public sector response system shall be based upon*  
11 *the public sector response center developed for the Transpor-*  
12 *tation Security Administration hazardous material truck*  
13 *security pilot program and hazardous material safety and*  
14 *security operational field test undertaken by the Federal*  
15 *Motor Carrier Safety Administration.*

16       **(b) CAPABILITY.**—*The national public sector response*  
17 *system to be considered shall be able to receive, as*  
18 *appropriate—*

- 19               (1) *negative driver verification alerts;*  
20               (2) *out-of-route alerts;*  
21               (3) *driver panic or emergency alerts; and*  
22               (4) *tampering or release alerts.*

23       **(c) CHARACTERISTICS.**—*The national public sector re-*  
24 *sponse system to be considered shall—*

- 25               (1) *be an exception-based system;*

1           (2) *be integrated with other private and public*  
2           *sector operation reporting and response systems and*  
3           *all Federal homeland security threat analysis systems*  
4           *or centers (including the National Response Center);*  
5           *and*

6           (3) *provide users the ability to create rules for*  
7           *alert notification messages.*

8           (d) *CARRIER PARTICIPATION.*—*The Secretary of*  
9           *Homeland Security shall coordinate with motor carriers*  
10           *and railroads transporting high hazard materials, entities*  
11           *acting on their behalf who receive communication alerts*  
12           *from motor carriers or railroads, or other Federal agencies*  
13           *that receive security and emergency related notification re-*  
14           *garding high hazard materials in transit to facilitate the*  
15           *provisions of the information listed in subsection (b) to the*  
16           *national public sector response system to the extent possible*  
17           *if the system is established.*

18           (e) *DATA PRIVACY.*—*The national public sector re-*  
19           *sponse system shall be designed to ensure appropriate pro-*  
20           *tection of data and information relating to motor carriers,*  
21           *railroads, and employees.*

22           (f) *REPORT.*—*Not later than 180 days after the date*  
23           *of enactment of this Act, the Secretary shall transmit to*  
24           *the Senate Committee on Commerce, Science, and Trans-*  
25           *portation, the House of Representatives Committee on*

1 *Transportation and Infrastructure, and the House of Rep-*  
2 *resentatives Committee on Homeland Security a report on*  
3 *whether to establish a national public sector response system*  
4 *and the estimated total public and private sector costs to*  
5 *establish and annually operate such a system, together with*  
6 *any recommendations for generating private sector partici-*  
7 *pation and investment in the development and operation*  
8 *of such a system.*

9 (g) *FUNDING.*—*There are authorized to be appro-*  
10 *priated to the Secretary of Homeland Security to carry out*  
11 *this section—*

12 (1) *\$1,000,000 for fiscal year 2007;*

13 (2) *\$1,000,000 for fiscal year 2008; and*

14 (3) *\$1,000,000 for fiscal year 2009.*

15 **SEC. 907. OVER-THE-ROAD BUS SECURITY ASSISTANCE.**

16 (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*  
17 *rity shall establish a program within the Transportation*  
18 *Security Administration for making grants to private oper-*  
19 *ators of over-the-road buses or over-the-road bus terminal*  
20 *operators for system-wide security improvements to their*  
21 *operations, including—*

22 (1) *constructing and modifying terminals, ga-*  
23 *rages, facilities, or over-the-road buses to assure their*  
24 *security;*

25 (2) *protecting or isolating the driver;*

1           (3) *acquiring, upgrading, installing, or oper-*  
2 *ating equipment, software, or accessorial services for*  
3 *collection, storage, or exchange of passenger and driv-*  
4 *er information through ticketing systems or otherwise,*  
5 *and information links with government agencies;*

6           (4) *training employees in recognizing and re-*  
7 *sponding to security threats, evacuation procedures,*  
8 *passenger screening procedures, and baggage inspec-*  
9 *tion;*

10          (5) *hiring and training security officers;*

11          (6) *installing cameras and video surveillance*  
12 *equipment on over-the-road buses and at terminals,*  
13 *garages, and over-the-road bus facilities;*

14          (7) *creating a program for employee identifica-*  
15 *tion or background investigation;*

16          (8) *establishing and upgrading an emergency*  
17 *communications system linking operational head-*  
18 *quarters, over-the-road buses, law enforcement, and*  
19 *emergency personnel; and*

20          (9) *implementing and operating passenger*  
21 *screening programs at terminals and on over-the-road*  
22 *buses.*

23          (b) *FEDERAL SHARE.*—*The Federal share of the cost*  
24 *for which any grant is made under this section shall be*  
25 *80 percent.*

1       (c) *DUE CONSIDERATION.*—*In making grants under*  
2 *this section, the Secretary shall give due consideration to*  
3 *private operators of over-the-road buses that have taken*  
4 *measures to enhance bus transportation security from those*  
5 *in effect before September 11, 2001, and shall prioritize*  
6 *grant funding based on the magnitude and severity of the*  
7 *security threat to bus passengers and the ability of the fund-*  
8 *ed project to reduce, or respond to, that threat.*

9       (d) *GRANT REQUIREMENTS.*—*A grant under this sec-*  
10 *tion shall be subject to all the terms and conditions that*  
11 *a grant is subject to under section 3038(f) of the Transpor-*  
12 *tation Equity Act for the 21st Century (49 U.S.C. 5310*  
13 *note; 112 Stat. 393).*

14       (e) *PLAN REQUIREMENT.*—

15               (1) *IN GENERAL.*—*The Secretary may not make*  
16 *a grant under this section to a private operator of*  
17 *over-the-road buses until the operator has first sub-*  
18 *mitted to the Secretary—*

19                       (A) *a plan for making security improve-*  
20 *ments described in subsection (a) and the Sec-*  
21 *retary has approved the plan; and*

22                       (B) *such additional information as the Sec-*  
23 *retary may require to ensure accountability for*  
24 *the obligation and expenditure of amounts made*  
25 *available to the operator under the grant.*



1           (2) *COORDINATION.*—*To the extent that an ap-*  
2           *plication for a grant under this section proposes secu-*  
3           *rity improvements within a specific terminal owned*  
4           *and operated by an entity other than the applicant,*  
5           *the applicant shall demonstrate to the satisfaction of*  
6           *the Secretary that the applicant has coordinated the*  
7           *security improvements for the terminal with that en-*  
8           *tity.*

9           (f) *OVER-THE-ROAD BUS DEFINED.*—*In this section,*  
10          *the term “over-the-road bus” means a bus characterized by*  
11          *an elevated passenger deck located over a baggage compart-*  
12          *ment.*

13          (g) *BUS SECURITY ASSESSMENT.*—

14                 (1) *IN GENERAL.*—*Not later than 180 days after*  
15                 *the date of enactment of this Act, the Secretary shall*  
16                 *transmit to the Senate Committee on Commerce,*  
17                 *Science, and Transportation, the House of Represent-*  
18                 *atives Committee on Transportation and Infrastruc-*  
19                 *ture, and the House of Representatives Committee on*  
20                 *Homeland Security a preliminary report in accord-*  
21                 *ance with the requirements of this section.*

22                 (2) *CONTENTS OF PRELIMINARY REPORT.*—*The*  
23                 *preliminary report shall include—*

24                         (A) *an assessment of the over-the-road bus*  
25                         *security grant program;*

1           (B) an assessment of actions already taken  
2 to address identified security issues by both pub-  
3 lic and private entities and recommendations on  
4 whether additional safety and security enforce-  
5 ment actions are needed;

6           (C) an assessment of whether additional leg-  
7 islation is needed to provide for the security of  
8 Americans traveling on over-the-road buses;

9           (D) an assessment of the economic impact  
10 that security upgrades of buses and bus facilities  
11 may have on the over-the-road bus transpor-  
12 tation industry and its employees;

13           (E) an assessment of ongoing research and  
14 the need for additional research on over-the-road  
15 bus security, including engine shut-off mecha-  
16 nisms, chemical and biological weapon detection  
17 technology, and the feasibility of  
18 compartmentalization of the driver; and

19           (F) an assessment of industry best practices  
20 to enhance security.

21           (3) CONSULTATION WITH INDUSTRY, LABOR, AND  
22 OTHER GROUPS.—In carrying out this section, the  
23 Secretary shall consult with over-the-road bus man-  
24 agement and labor representatives, public safety and

1        *law enforcement officials, and the National Academy*  
2        *of Sciences.*

3        *(h) FUNDING.—There are authorized to be appro-*  
4        *riated to the Secretary of Homeland Security to carry out*  
5        *this section—*

6                *(1) \$12,000,000 for fiscal year 2007;*

7                *(2) \$25,000,000 for fiscal year 2008; and*

8                *(3) \$25,000,000 for fiscal year 2009.*

9        *Amounts made available pursuant to this subsection shall*  
10        *remain available until expended.*

11        **SEC. 908. PIPELINE SECURITY AND INCIDENT RECOVERY**

12                **PLAN.**

13        *(a) IN GENERAL.—The Secretary of Homeland Secu-*  
14        *rity, in consultation with the Secretary of Transportation*  
15        *and the Pipeline and Hazardous Materials Safety Adminis-*  
16        *tration, and in accordance with the Memorandum of Un-*  
17        *derstanding Annex executed under section 909, shall develop*  
18        *a Pipeline Security and Incident Recovery Protocols Plan.*

19        *The plan shall include—*

20                *(1) a plan for the Federal Government to provide*  
21        *increased security support to the most critical inter-*  
22        *state and intrastate natural gas and hazardous liquid*  
23        *transmission pipeline infrastructure and operations*  
24        *as determined under section 909—*

1           (A) at high or severe security threat levels  
2           of alert; and

3           (B) when specific security threat informa-  
4           tion relating to such pipeline infrastructure or  
5           operations exists; and

6           (2) an incident recovery protocol plan, developed  
7           in conjunction with interstate and intrastate trans-  
8           mission and distribution pipeline operators and ter-  
9           minals and facilities operators connected to pipelines,  
10          to develop protocols to ensure the continued transpor-  
11          tation of natural gas and hazardous liquids to essen-  
12          tial markets and for essential public health or na-  
13          tional defense uses in the event of an incident affect-  
14          ing the interstate and intrastate natural gas and haz-  
15          ardous liquid transmission and distribution pipeline  
16          system, which shall include protocols for granting ac-  
17          cess to pipeline operators for pipeline infrastructure  
18          repair, replacement or bypass following an incident.

19          (b) *EXISTING PRIVATE AND PUBLIC SECTOR EF-*  
20 *FORTS.*—The plan shall take into account actions taken or  
21 planned by both private and public entities to address iden-  
22 tified pipeline security issues and assess the effective inte-  
23 gration of such actions.

24          (c) *CONSULTATION.*—In developing the plan under  
25 subsection (a), the Secretary of Homeland Security shall

1 *consult with the Secretary of Transportation, interstate and*  
2 *intrastate transmission and distribution pipeline operators,*  
3 *pipeline labor, first responders, shippers of hazardous mate-*  
4 *rials, State Departments of Transportation, public safety*  
5 *officials, and other relevant parties.*

6 (d) *REPORT.—*

7 (1) *CONTENTS.—Not later than 1 year after the*  
8 *date of enactment of this Act, the Secretary of Home-*  
9 *land Security shall transmit to the Committee on*  
10 *Commerce, Science, and Transportation of the Senate,*  
11 *the Committee on Homeland Security of the House of*  
12 *Representatives, and the Committee on Transpor-*  
13 *tation and Infrastructure of the House of Representa-*  
14 *tives a report containing the plan required by sub-*  
15 *section (a), along with an estimate of the private and*  
16 *public sector costs to implement any recommenda-*  
17 *tions.*

18 (2) *FORMAT.—The Secretary may submit the re-*  
19 *port in both classified and redacted formats if the*  
20 *Secretary determines that such action is appropriate*  
21 *or necessary.*

22 (e) *FUNDING.—There are authorized to be appro-*  
23 *riated to the Secretary of Homeland Security to carry out*  
24 *this section \$1,000,000 for fiscal year 2007.*

1 **SEC. 909. PIPELINE SECURITY INSPECTIONS AND ENFORCE-**  
2 **MENT.**

3 (a) *IN GENERAL.*—Within 1 year after the date of en-  
4 actment of this Act the Secretary of Homeland Security,  
5 in consultation with the Secretary of Transportation, shall  
6 establish a program for reviewing pipeline operator adop-  
7 tion of recommendations in the September, 5, 2002, Depart-  
8 ment of Transportation Research and Special Programs  
9 Administration Pipeline Security Information Circular,  
10 including the review of pipeline security plans and critical  
11 facility inspections.

12 (b) *REVIEW AND INSPECTION.*—Within 9 months after  
13 the date of enactment of this Act the Secretary shall com-  
14 plete a review of the pipeline security plan and an inspec-  
15 tion of the critical facilities of the 100 most critical pipeline  
16 operators covered by the September, 5, 2002, circular, where  
17 such facilities have not been inspected for security purposes  
18 since September 5, 2002, by either the Department of Home-  
19 land Security or the Department of Transportation, as de-  
20 termined by the Secretary in consultation with the Sec-  
21 retary of Transportation.

22 (c) *COMPLIANCE REVIEW METHODOLOGY.*—In review-  
23 ing pipeline operator compliance under subsections (a) and  
24 (b), the Secretary shall utilize risk assessment methodologies  
25 to prioritize vulnerabilities and to target inspection and en-

1 *forcement actions to the most vulnerable and critical pipe-*  
2 *line assets.*

3       (d) *REGULATIONS.*—*Within 1 year after the date of*  
4 *enactment of this Act, the Secretary shall transmit to pipe-*  
5 *line operators and the Secretary of Transportation security*  
6 *recommendations for natural gas and hazardous liquid*  
7 *pipelines and pipeline facilities. If the Secretary of Home-*  
8 *land Security determines that regulations are appropriate,*  
9 *the Secretary shall promulgate such regulations and carry*  
10 *out necessary inspection and enforcement actions. Any reg-*  
11 *ulations should incorporate the guidance provided to pipe-*  
12 *line operators by the September 5, 2002, Department of*  
13 *Transportation Research and Special Programs Adminis-*  
14 *tration’s Pipeline Security Information Circular and con-*  
15 *tain additional requirements as necessary based upon the*  
16 *results of the inspections performed under subsection (b).*  
17 *The regulations shall include the imposition of civil pen-*  
18 *alties for non-compliance.*

19       (e) *FUNDING.*—*There are authorized to be appro-*  
20 *priated to the Secretary of Homeland Security to carry out*  
21 *this section—*

22               (1) *\$2,000,000 for fiscal year 2007; and*

23               (2) *\$2,000,000 for fiscal year 2008.*

1 **SEC. 910. TECHNICAL CORRECTIONS.**

2 (a) *HAZMAT LICENSES*.—Section 5103a of title 49,  
3 *United States Code*, is amended—

4 (1) by inserting “of Homeland Security” each  
5 place it appears in subsections (a)(1), (d)(1)(b), and  
6 (e); and

7 (2) by redesignating subsection (h) as subsection  
8 (i) and inserting the following after subsection (g):

9 “(h) *RELATIONSHIP TO TRANSPORTATION SECURITY*  
10 *CARDS*.—Upon application, a State shall issue to an indi-  
11 vidual a license to operate a motor vehicle transporting in  
12 commerce a hazardous material without the security assess-  
13 ment required by this section, provided the individual meets  
14 all other applicable requirements for such a license, if the  
15 Secretary of Homeland Security has previously determined,  
16 under section 70105 of title 46, *United States Code*, that  
17 the individual does not pose a security risk.”.

18 **TITLE X—IP-ENABLED VOICE**  
19 **COMMUNICATIONS AND PUB-**  
20 **LIC SAFETY**

21 **SEC. 1001. SHORT TITLE.**

22 This title may be cited as the “IP-Enabled Voice Com-  
23 munications and Public Safety Act of 2006”.

24 **SEC. 1002. EMERGENCY SERVICE.**

25 (a) *ACCESS TO 911 COMPONENTS*.—Within 90 days  
26 after the date of enactment of this Act, the Commission shall



1 *issue regulations regarding access by IP-enabled voice serv-*  
2 *ice providers to 911 components that permit any IP-enabled*  
3 *voice service provider to elect to be treated as a commercial*  
4 *mobile service provider for the purpose of access to any 911*  
5 *component, except that the regulations issued under this*  
6 *subsection may take into account any technical or network*  
7 *security issues that are specific to IP-enabled voice services.*

8 (b) *STATE AUTHORITY OVER FEES.—Nothing in this*  
9 *title, the Communications Act of 1934, or any Commission*  
10 *regulation or order shall prevent the imposition on, or col-*  
11 *lection from, a provider of IP-enabled voice services of any*  
12 *fee or charge specifically designated by a State, political*  
13 *subdivision thereof, or Indian tribe for the support of 911*  
14 *or E-911 services if that fee or charge—*

15 (1) *does not exceed the amount of any such fee*  
16 *or charge imposed on or collected from a provider of*  
17 *telecommunications services; and*

18 (2) *is obligated or expended in support of 911*  
19 *and E-911 services, or enhancements of such services,*  
20 *or other emergency communications services as speci-*  
21 *fied in the provision of State or local law adopting*  
22 *the fee or charge.*

23 (c) *PARITY OF PROTECTION FOR PROVISION OR USE*  
24 *OF IP-ENABLED VOICE SERVICE.—A provider or user of*  
25 *IP-enabled voice services, a PSAP, and the officers, direc-*

1 *tors, employees, vendors, agents, and authorizing govern-*  
2 *ment entity (if any) of such provider, user, or PSAP, shall*  
3 *have the same scope and extent of immunity and other pro-*  
4 *tection from liability under Federal and State law with re-*  
5 *spect to—*

6           (1) *the release of subscriber information related*  
7 *to emergency calls or emergency services,*

8           (2) *the use or provision of 911 and E-911 serv-*  
9 *ices, and*

10           (3) *other matters related to 911 and E-911 serv-*  
11 *ices,*

12 *as section 4 of the Wireless Communications and Public*  
13 *Safety Act of 1999 (47 U.S.C. 615a) provides to wireless*  
14 *carriers, PSAPs, and users of wireless 9-1-1 service (as de-*  
15 *finied in paragraphs (4), (3), and (6), respectively, of section*  
16 *6 of that Act (47 U.S.C. 615b)) with respect to such release,*  
17 *use, and other matters.*

18           (d) *LIMITATION ON COMMISSION.—Nothing in this sec-*  
19 *tion shall be construed to permit the Commission to issue*  
20 *regulations that require or impose a specific technology or*  
21 *technological standard.*

22 **SEC. 1003. ENFORCEMENT.**

23           *The Commission shall enforce this title, and any regu-*  
24 *lation promulgated under this title, under the Communica-*  
25 *tions Act of 1934 (47 U.S.C. 151 et seq.) as if this title*

1 *were a part of that Act. For purposes of this section any*  
2 *violation of this title, or any regulation promulgated under*  
3 *this title, is deemed to be a violation of the Communications*  
4 *Act of 1934.*

5 **SEC. 1004. MIGRATION TO IP-ENABLED EMERGENCY NET-**  
6 **WORK.**

7 *(a) IN GENERAL.—Section 158 of the National Tele-*  
8 *communications and Information Administration Organi-*  
9 *zation Act (47 U.S.C. 942) is amended—*

10 *(1) by redesignating subsections (d) and (e) as*  
11 *subsections (e) and (f), respectively;*

12 *(2) by inserting after subsection (c) the fol-*  
13 *lowing:*

14 *“(d) MIGRATION PLAN REQUIRED.—*

15 *“(1) NATIONAL PLAN REQUIRED.—No more than*  
16 *18 months after the date of the enactment of the IP-*  
17 *Enabled Voice Communications and Public Safety*  
18 *Act of 2005, the Office shall develop and report to*  
19 *Congress on a national plan for migrating to a na-*  
20 *tional IP-enabled emergency network capable of re-*  
21 *ceiving and responding to all citizen activated emer-*  
22 *gency communications.*

23 *“(2) CONTENTS OF PLAN.—The plan required by*  
24 *paragraph (1) shall—*

1           “(A) outline the potential benefits of such a  
2 migration;

3           “(B) identify barriers that must be over-  
4 come and funding mechanisms to address those  
5 barriers;

6           “(C) include a proposed timetable, an out-  
7 line of costs and potential savings;

8           “(D) provide specific legislative language, if  
9 necessary, for achieving the plan;

10          “(E) provide recommendations on any legis-  
11 lative changes, including updating definitions, to  
12 facilitate a national IP-enabled emergency net-  
13 work; and

14          “(F) assess, collect, and analyze the experi-  
15 ences of the PSAPs and related public safety au-  
16 thorities who are conducting trial deployments of  
17 IP-enabled emergency networks as of the date of  
18 enactment of the IP-Enabled Voice Communica-  
19 tions and Public Safety Act of 2005.

20          “(3) CONSULTATION.—In developing the plan re-  
21 quired by paragraph (1), the Office shall consult with  
22 representatives of the public safety community, tech-  
23 nology and telecommunications providers, and others  
24 it deems appropriate.”; and

1           (3) *by striking “services.” in subsection (b)(1)*  
2 *and inserting “services, and, upon completion of de-*  
3 *velopment of the national plan for migrating to a na-*  
4 *tional IP-enabled emergency network under subsection*  
5 *(d), for migration to an IP-enabled emergency net-*  
6 *work.”.*

7           **(b) REPORT ON PSAPS.—**

8           (1) *IN GENERAL.—Not later than 180 days after*  
9 *the date of enactment of this Act, the Commission*  
10 *shall—*

11                   (A) *compile a list of all known public safety*  
12 *answering points, including such contact infor-*  
13 *mation regarding public safety answering points*  
14 *as the Commission determines appropriate;*

15                   (B) *organize such list by county, town,*  
16 *township, parish, village, hamlet, or other gen-*  
17 *eral purpose political subdivision of a State; and*

18                   (C) *make available from such list—*

19                           (i) *to the public, on the Internet*  
20 *website of the Commission—*

21                                   (I) *the 10 digit telephone number*  
22 *of those public safety answering points*  
23 *appearing on such list; and*

24                                   (II) *a statement explicitly warn-*  
25 *ing the public that such telephone*

1                   *numbers are not intended for emer-*  
2                   *gency purposes and as such may not be*  
3                   *answered at all times; and*

4                   *(ii) to public safety answering points*  
5                   *all contact information compiled by the*  
6                   *Commission.*

7                   (2) *CONTINUING DUTY.—The Commission shall*  
8                   *continue—*

9                   (A) *to update the list made available to the*  
10                  *public described in paragraph (1)(C); and*

11                  (B) *to improve for the benefit of the public*  
12                  *the accessibility, use, and organization of such*  
13                  *list.*

14                  (3) *PSAPS REQUIRED TO COMPLY.—Each public*  
15                  *safety answering point shall provide all requested*  
16                  *contact information to the Commission as requested.*

17                  (c) *REPORT ON SELECTIVE ROUTERS.—*

18                  (1) *IN GENERAL.—Not later than 180 days after*  
19                  *the date of enactment of this Act, the Commission*  
20                  *shall—*

21                  (A) *compile a list of selective routers, in-*  
22                  *cluding the contact information of the owners of*  
23                  *such routers;*

1           (B) organize such list by county, town,  
2           township, parish, village, hamlet, or other gen-  
3           eral purpose political subdivision of a State; and

4           (C) make such list available to providers of  
5           telecommunications service and to providers of  
6           IP-enabled voice service who are seeking to pro-  
7           vide E-911 service to their subscribers.

8 **SEC. 1005. DEFINITIONS.**

9           (a) *IN GENERAL.*—For purposes of this title:

10           (1) *911.*—The term “911” means a service that  
11           allows a user, by dialing the three-digit code 911, to  
12           call a public safety answering point operated by a  
13           State, local government, Indian tribe, or authorized  
14           entity.

15           (2) *911 COMPONENT.*—The term “911 compo-  
16           nent” means any equipment, network, databases (in-  
17           cluding automatic location information databases  
18           and master street address guides), interface, selective  
19           router, trunkline, or other related facility necessary  
20           for the delivery and completion of 911 or E-911 calls  
21           and information related to such calls to which the  
22           Commission requires access pursuant to its rules and  
23           regulations.

24           (3) *E-911 SERVICE.*—The term “E-911 service”  
25           means a 911 service that automatically delivers the

1       911 call to the appropriate public safety answering  
2       point, and provides automatic identification data, in-  
3       cluding the originating number of an emergency call,  
4       the physical location of the caller, and the capability  
5       for the public safety answering point to call the user  
6       back if the call is disconnected.

7               (4) *IP-ENABLED VOICE SERVICE*.—The term “*IP-*  
8       *enabled voice service*” means the provision of real-  
9       time 2-way voice communications offered to the pub-  
10      lic, or such classes of users as to be effectively avail-  
11      able to the public, transmitted through customer  
12      premises equipment using *TCP/IP* protocol, or a suc-  
13      cessor protocol, for a fee (whether part of a bundle of  
14      services or separately, or without a fee) with 2-way  
15      interconnection capability such that the service can  
16      originate traffic to, and terminate traffic from, the  
17      public switched telephone network.

18              (5) *PSAP*.—The term “public safety answering  
19      point” or “*PSAP*” means a facility that has been des-  
20      ignated to receive 911 or *E-911* calls.

21              (b) *COMMON TERMINOLOGY*.—Except as otherwise pro-  
22      vided in subsection (a), terms used in this title have the  
23      meanings provided under section 3 of the Communications  
24      Act of 1934.



1           **TITLE XI—OTHER MATTERS**

2   **SEC. 1101. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO**  
3                           **APPLY.**

4           (a) *IN GENERAL.*—Notwithstanding any provision of  
5 law to the contrary, any statutory limitation on the number  
6 of employees in the Transportation Security Administra-  
7 tion, before or after its transfer to the Department of Home-  
8 land Security from the Department of Transportation, does  
9 not apply after the date of enactment of this Act.

10          (b) *AVIATION SECURITY.*—Notwithstanding any provi-  
11 sion of law imposing a limitation on the recruiting or hir-  
12 ing of personnel into the Transportation Security Adminis-  
13 tration to a maximum number of permanent positions, the  
14 Secretary of Homeland Security shall recruit and hire such  
15 personnel into the Administration as may be necessary—

16               (1) to provide appropriate levels of aviation se-  
17               curity; and

18               (2) to accomplish that goal in such a manner  
19               that the average aviation security-related delay expe-  
20               rienced by airline passengers is reduced to a level of  
21               less than 10 minutes.

22   **SEC. 1102. RURAL POLICING INSTITUTE.**

23           (a) *IN GENERAL.*—There is established a Rural Polic-  
24 ing Institute, which shall be administered by the Office of

1 *State and Local Training of the Federal Law Enforcement*  
2 *Training Center (based in Glynco, Georgia), to—*

3           (1) *evaluate the needs of law enforcement agen-*  
4 *cies of units of local government and tribal govern-*  
5 *ments located in rural areas;*

6           (2) *develop expert training programs designed to*  
7 *address the needs of rural law enforcement agencies*  
8 *regarding combating methamphetamine addiction*  
9 *and distribution, domestic violence, law enforcement*  
10 *response related to school shootings, and other topics*  
11 *identified in the evaluation conducted under para-*  
12 *graph (1);*

13           (3) *provide the training programs described in*  
14 *paragraph (2) to law enforcement agencies of units of*  
15 *local government and tribal governments located in*  
16 *rural areas; and*

17           (4) *conduct outreach efforts to ensure that train-*  
18 *ing programs under the Rural Policing Institute*  
19 *reach law enforcement officers of units of local govern-*  
20 *ment and tribal governments located in rural areas.*

21           (b) *CURRICULA.—The training at the Rural Policing*  
22 *Institute established under subsection (a) shall be configured*  
23 *in a manner so as to not duplicate or displace any law*  
24 *enforcement program of the Federal Law Enforcement*

1 *Training Center in existence on the date of enactment of*  
2 *this Act.*

3 (c) *DEFINITION.—In this section, the term “rural”*  
4 *means area that is not located in a metropolitan statistical*  
5 *area, as defined by the Office of Management and Budget.*

6 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
7 *authorized to be appropriated to carry out this section (in-*  
8 *cluding for contracts, staff, and equipment)—*

9 (1) *\$10,000,000 for fiscal year 2007; and*

10 (2) *\$5,000,000 for each of fiscal years 2008*  
11 *through 2012.*

12 **SEC. 1103. EVACUATION IN EMERGENCIES.**

13 (a) *PURPOSE.—The purpose of this section is to ensure*  
14 *the preparation of communities for future natural, acci-*  
15 *dental, or deliberate disasters by ensuring that the States*  
16 *prepare for the evacuation of individuals with special needs.*

17 (b) *EVACUATION PLANS FOR INDIVIDUALS WITH SPE-*  
18 *CIAL NEEDS.—The Secretary, acting through the Federal*  
19 *Emergency Management Agency, shall take appropriate ac-*  
20 *tions to ensure that each State, as that term is defined in*  
21 *section 2(14) of the Homeland Security Act of 2002 (6*  
22 *U.S.C. 101(14)), requires appropriate State and local gov-*  
23 *ernment officials to develop detailed and comprehensive pre-*  
24 *disaster and post-disaster plans for the evacuation of indi-*  
25 *viduals with special needs, including the elderly, disabled*

1 *individuals, low-income individuals and families, the home-*  
2 *less, and individuals who do not speak English, in emer-*  
3 *gencies that would warrant their evacuation, including*  
4 *plans for the provision of food, water, and shelter for evac-*  
5 *uees.*

6 (c) *REPORT TO CONGRESS.—*

7 (1) *IN GENERAL.—Not later than 1 year after*  
8 *the date of enactment of this Act, the Secretary shall*  
9 *submit to Congress a report setting forth, for each*  
10 *State, the status and key elements of the plans to*  
11 *evacuate individuals with special needs in emer-*  
12 *gencies that would warrant their evacuation.*

13 (2) *CONTENTS.—The report submitted under*  
14 *paragraph (1) shall include a discussion of—*

15 (A) *whether the States have the resources*  
16 *necessary to implement fully their evacuation*  
17 *plans; and*

18 (B) *the manner in which the plans of the*  
19 *States are integrated with the response plans of*  
20 *the Federal Government for emergencies that*  
21 *would require the evacuation of individuals with*  
22 *special needs.*

1 **SEC. 1104. PROTECTION OF HEALTH AND SAFETY DURING**  
2 **DISASTERS.**

3 (a) *PROTECTION OF HEALTH AND SAFETY OF INDIVID-*  
4 *UALS IN A DISASTER AREA.*—*Title IV of the Robert T. Staf-*  
5 *ford Disaster Relief and Emergency Assistance Act (42*  
6 *U.S.C. 5170 et seq.) is amended by inserting after section*  
7 *408 the following:*

8 **“SEC. 409. PROTECTION OF HEALTH AND SAFETY OF INDI-**  
9 **VIDUALS IN A DISASTER AREA.**

10 “(a) *DEFINITIONS.*—*In this section:*

11 “(1) *CERTIFIED MONITORING PROGRAM.*—*The*  
12 *term ‘certified monitoring program’ means a medical*  
13 *monitoring program—*

14 “(A) *in which a participating responder is*  
15 *a participant as a condition of the employment*  
16 *of such participating responder; and*

17 “(B) *that the Secretary of Health and*  
18 *Human Services certifies includes an adequate*  
19 *baseline medical screening.*

20 “(2) *HIGH EXPOSURE LEVEL.*—*The term ‘high*  
21 *exposure level’ means a level of exposure to a sub-*  
22 *stance of concern that is for such a duration, or of*  
23 *such a magnitude, that adverse effects on human*  
24 *health can be reasonably expected to occur, as deter-*  
25 *mined by the President in accordance with human*

1        *monitoring or environmental or other appropriate in-*  
2        *dicators.*

3            “(3) *INDIVIDUAL.*—*The term ‘individual’*  
4        *includes—*

5            “(A) *a worker or volunteer who responds to*  
6        *a disaster, either natural or manmade, involving*  
7        *any mode of transportation in the United States*  
8        *or disrupting the transportation system of the*  
9        *United States, including—*

10            “(i) *a police officer;*

11            “(ii) *a firefighter;*

12            “(iii) *an emergency medical techni-*  
13        *cian;*

14            “(iv) *any participating member of an*  
15        *urban search and rescue team; and*

16            “(v) *any other relief or rescue worker*  
17        *or volunteer that the President determines*  
18        *to be appropriate;*

19            “(B) *a worker who responds to a disaster,*  
20        *either natural or manmade, involving any mode*  
21        *of transportation in the United States or dis-*  
22        *rupting the transportation system of the United*  
23        *States, by assisting in the cleanup or restoration*  
24        *of critical infrastructure in and around a dis-*  
25        *aster area;*

1           “(C) a person whose place of residence is in  
2 a disaster area, caused by either a natural or  
3 manmade disaster involving any mode of trans-  
4 portation in the United States or disrupting the  
5 transportation system of the United States;

6           “(D) a person who is employed in or at-  
7 tends school, child care, or adult day care in a  
8 building located in a disaster area, caused by ei-  
9 ther a natural or manmade disaster involving  
10 any mode of transportation in the United States  
11 or disrupting the transportation system of the  
12 United States, of the United States; and

13           “(E) any other person that the President  
14 determines to be appropriate.

15           “(4) *PARTICIPATING RESPONDER*.—The term  
16 ‘participating responder’ means an individual de-  
17 scribed in paragraph (3)(A).

18           “(5) *PROGRAM*.—The term ‘program’ means a  
19 program described in subsection (b) that is carried  
20 out for a disaster area.

21           “(6) *SUBSTANCE OF CONCERN*.—The term ‘sub-  
22 stance of concern’ means a chemical or other sub-  
23 stance that is associated with potential acute or  
24 chronic human health effects, the risk of exposure to  
25 which could potentially be increased as the result of

1        *a disaster, as determined by the President, in coordi-*  
2        *nation with ATSDR and EPA, CDC, NIH, FEMA,*  
3        *OSHA, and other agencies.*

4        “(b) PROGRAM.—

5            “(1) IN GENERAL.—*If the President determines*  
6        *that 1 or more substances of concern are being, or*  
7        *have been, released in an area declared to be a dis-*  
8        *aster area under this Act and disrupts the transpor-*  
9        *tation system of the United States, the President may*  
10       *carry out a program for the coordination and protec-*  
11       *tion, assessment, monitoring, and study of the health*  
12       *and safety of individuals with high exposure levels to*  
13       *ensure that—*

14            “(A) *the individuals are adequately in-*  
15        *formed about and protected against potential*  
16        *health impacts of any substance of concern and*  
17        *potential mental health impacts in a timely*  
18        *manner;*

19            “(B) *the individuals are monitored and*  
20        *studied over time, including through baseline*  
21        *and followup clinical health examinations, for—*

22            “(i) *any short- and long-term health*  
23        *impacts of any substance of concern; and*

24            “(ii) *any mental health impacts;*



1           “(C) *the individuals receive health care re-*  
2           *ferrals as needed and appropriate; and*

3           “(D) *information from any such monitoring*  
4           *and studies is used to prevent or protect against*  
5           *similar health impacts from future disasters.*

6           “(2) *ACTIVITIES.—A program under paragraph*  
7           *(1) may include such activities as—*

8           “(A) *collecting and analyzing environ-*  
9           *mental exposure data;*

10          “(B) *developing and disseminating infor-*  
11          *mation and educational materials;*

12          “(C) *performing baseline and followup clin-*  
13          *ical health and mental health examinations and*  
14          *taking biological samples;*

15          “(D) *establishing and maintaining an expo-*  
16          *sure registry;*

17          “(E) *studying the short- and long-term*  
18          *human health impacts of any exposures through*  
19          *epidemiological and other health studies; and*

20          “(F) *providing assistance to individuals in*  
21          *determining eligibility for health coverage and*  
22          *identifying appropriate health services.*

23          “(3) *TIMING.—To the maximum extent prac-*  
24          *ticable, activities under any program carried out*  
25          *under paragraph (1) (including baseline health ex-*

1        *aminations) shall be commenced in a timely manner*  
2        *that will ensure the highest level of public health pro-*  
3        *tection and effective monitoring.*

4                “(4) *PARTICIPATION IN REGISTRIES AND STUD-*  
5        *IES.—*

6                “(A) *IN GENERAL.—Participation in any*  
7        *registry or study that is part of a program car-*  
8        *ried out under paragraph (1) shall be voluntary.*

9                “(B) *PROTECTION OF PRIVACY.—The Presi-*  
10        *dent shall take appropriate measures to protect*  
11        *the privacy of any participant in a registry or*  
12        *study described in subparagraph (A).*

13                “(C) *PRIORITY.—*

14                “(i) *IN GENERAL.—Except as provided*  
15        *in clause (ii), the President shall give pri-*  
16        *ority in any registry or study described in*  
17        *subparagraph (A) to the protection, moni-*  
18        *toring and study of the health and safety of*  
19        *individuals with the highest level of expo-*  
20        *sure to a substance of concern.*

21                “(ii)                *MODIFICATIONS.—Notwith-*  
22        *standing clause (i), the President may mod-*  
23        *ify the priority of a registry or study de-*  
24        *scribed in subparagraph (A), if the Presi-*

1           *dent determines such modification to be ap-*  
2           *propriate.*

3           “(5) *COOPERATIVE AGREEMENTS.—*

4           “(A) *IN GENERAL.—The President may*  
5           *carry out a program under paragraph (1)*  
6           *through a cooperative agreement with a medical*  
7           *institution, including a local health department,*  
8           *or a consortium of medical institutions.*

9           “(B) *SELECTION CRITERIA.—To the max-*  
10           *imum extent practicable, the President shall se-*  
11           *lect, to carry out a program under paragraph*  
12           *(1), a medical institution or a consortium of*  
13           *medical institutions that—*

14                   “(i) *is located near—*

15                           “(I) *the disaster area with respect*  
16                           *to which the program is carried out;*  
17                           *and*

18                           “(II) *any other area in which*  
19                           *there reside groups of individuals that*  
20                           *worked or volunteered in response to*  
21                           *the disaster; and*

22                           “(ii) *has appropriate experience in the*  
23                           *areas of environmental or occupational*  
24                           *health, toxicology, and safety, including ex-*  
25                           *perience in—*

1                   “(I) *developing clinical protocols*  
2                   *and conducting clinical health exami-*  
3                   *nations, including mental health as-*  
4                   *sessments;*

5                   “(II) *conducting long-term health*  
6                   *monitoring and epidemiological stud-*  
7                   *ies;*

8                   “(III) *conducting long-term men-*  
9                   *tal health studies; and*

10                   “(IV) *establishing and maintain-*  
11                   *ing medical surveillance programs and*  
12                   *environmental exposure or disease reg-*  
13                   *istries.*

14                   “(6) *INVOLVEMENT.—*

15                   “(A) *IN GENERAL.—In carrying out a pro-*  
16                   *gram under paragraph (1), the President shall*  
17                   *involve interested and affected parties, as appro-*  
18                   *priate, including representatives of—*

19                   “(i) *Federal, State, and local govern-*  
20                   *ment agencies;*

21                   “(ii) *groups of individuals that worked*  
22                   *or volunteered in response to the disaster in*  
23                   *the disaster area;*

24                   “(iii) *local residents, businesses, and*  
25                   *schools (including parents and teachers);*

1                   “(iv) health care providers;

2                   “(v) faith based organizations; and

3                   “(vi) other organizations and persons.

4                   “(B) COMMITTEES.—Involvement under  
5                   subparagraph (A) may be provided through the  
6                   establishment of an advisory or oversight com-  
7                   mittee or board.

8                   “(7) PRIVACY.—The President shall carry out  
9                   each program under paragraph (1) in accordance  
10                  with regulations relating to privacy promulgated  
11                  under section 264(c) of the Health Insurance Port-  
12                  ability and Accountability Act of 1996 (42 U.S.C.  
13                  1320d–2 note; Public Law 104–191).

14                  “(8) EXISTING PROGRAMS.—In carrying out a  
15                  program under paragraph (1), the President may—

16                         “(A) include the baseline clinical health ex-  
17                         amination of a participating responder under a  
18                         certified monitoring programs; and

19                         “(B) substitute the baseline clinical health  
20                         examination of a participating responder under  
21                         a certified monitoring program for a baseline  
22                         clinical health examination under paragraph  
23                         (1).

24                  “(c) REPORTS.—Not later than 1 year after the estab-  
25                  lishment of a program under subsection (b)(1), and every

1 5 years thereafter, the President, or the medical institution  
2 or consortium of such institutions having entered into a co-  
3 operative agreement under subsection (b)(5), may submit  
4 a report to the Secretary of Homeland Security, the Sec-  
5 retary of Health and Human Services, the Secretary of  
6 Labor, the Administrator of the Environmental Protection  
7 Agency, and appropriate committees of Congress describing  
8 the programs and studies carried out under the program.”.

9 (b) NATIONAL ACADEMY OF SCIENCES REPORT ON  
10 DISASTER AREA HEALTH AND ENVIRONMENTAL PROTEC-  
11 TION AND MONITORING.—

12 (1) IN GENERAL.—The Secretary, the Secretary  
13 of Health and Human Services, and the Adminis-  
14 trator of the Environmental Protection Agency shall  
15 jointly enter into a contract with the National Acad-  
16 emy of Sciences to conduct a study and prepare a re-  
17 port on disaster area health and environmental pro-  
18 tection and monitoring.

19 (2) PARTICIPATION OF EXPERTS.—The report  
20 under paragraph (1) shall be prepared with the par-  
21 ticipation of individuals who have expertise in—

22 (A) environmental health, safety, and medi-  
23 cine;

24 (B) occupational health, safety, and medi-  
25 cine;

- 1           (C) *clinical medicine, including pediatrics;*  
2           (D) *environmental toxicology;*  
3           (E) *epidemiology;*  
4           (F) *mental health;*  
5           (G) *medical monitoring and surveillance;*  
6           (H) *environmental monitoring and surveil-*  
7           *lance;*  
8           (I) *environmental and industrial hygiene;*  
9           (J) *emergency planning and preparedness;*  
10          (K) *public outreach and education;*  
11          (L) *State and local health departments;*  
12          (M) *State and local environmental protec-*  
13          *tion departments;*  
14          (N) *functions of workers that respond to*  
15          *disasters, including first responders;*  
16          (O) *public health; and*  
17          (P) *family services, such as counseling and*  
18          *other disaster-related services provided to fami-*  
19          *lies.*  
20          (3) *CONTENTS.—The report under paragraph (1)*  
21          *shall provide advice and recommendations regarding*  
22          *protecting and monitoring the health and safety of in-*  
23          *dividuals potentially exposed to any chemical or other*  
24          *substance associated with potential acute or chronic*

1 *human health effects as the result of a disaster, in-*  
2 *cluding advice and recommendations regarding—*

3 *(A) the establishment of protocols for moni-*  
4 *toring and responding to chemical or substance*  
5 *releases in a disaster area to protect public*  
6 *health and safety, including—*

7 *(i) chemicals or other substances for*  
8 *which samples should be collected in the*  
9 *event of a disaster, including a terrorist at-*  
10 *tack;*

11 *(ii) chemical- or substance-specific*  
12 *methods of sample collection, including*  
13 *sampling methodologies and locations;*

14 *(iii) chemical- or substance-specific*  
15 *methods of sample analysis;*

16 *(iv) health-based threshold levels to be*  
17 *used and response actions to be taken in the*  
18 *event that thresholds are exceeded for indi-*  
19 *vidual chemicals or other substances;*

20 *(v) procedures for providing moni-*  
21 *toring results to—*

22 *(I) appropriate Federal, State,*  
23 *and local government agencies;*

24 *(II) appropriate response per-*  
25 *sonnel; and*



- 1                   (III) *the public;*  
2                   (vi) *responsibilities of Federal, State,*  
3                   *and local agencies for—*  
4                   (I) *collecting and analyzing sam-*  
5                   *ples;*  
6                   (II) *reporting results; and*  
7                   (III) *taking appropriate response*  
8                   *actions; and*  
9                   (vii) *capabilities and capacity within*  
10                  *the Federal Government to conduct appro-*  
11                  *priate environmental monitoring and re-*  
12                  *sponse in the event of a disaster, including*  
13                  *a terrorist attack; and*  
14                  (B) *other issues specified by the Secretary,*  
15                  *the Secretary of Health and Human Services,*  
16                  *and the Administrator of the Environmental*  
17                  *Protection Agency.*

18                  (4) *AUTHORIZATION OF APPROPRIATIONS.—*  
19                  *There are authorized to be appropriated such sums as*  
20                  *are necessary to carry out this subsection.*

21 **SEC. 1105. PILOT PROGRAM TO EXTEND CERTAIN COMMER-**  
22 **CIAL OPERATIONS.**

23                  (a) *IN GENERAL.—During fiscal year 2007, the Com-*  
24                  *missioner shall extend the hours of commercial operations*

1 *at the port of entry located at Santa Teresa, New Mexico,*  
2 *to a minimum of 16 hours a day.*

3 *(b) REPORT.—The Commissioner shall submit a report*  
4 *to the appropriate congressional committees not later than*  
5 *September 30, 2007, with respect to the extension of hours*  
6 *of commercial operations described in subsection (a). The*  
7 *report shall include:*

8 *(1) an analysis of the impact of the extended*  
9 *hours of operation on the port facility, staff, and*  
10 *trade volume handled at the port; and*

11 *(2) recommendations regarding whether to ex-*  
12 *tend such hours of operation beyond fiscal year 2007.*

13 **SEC. 1106. SECURITY PLAN FOR ESSENTIAL AIR SERVICE**  
14 **AIRPORTS.**

15 *(a) IN GENERAL.—Not later than 60 days after the*  
16 *date of the enactment of this Act, the Assistant Secretary*  
17 *for the Transportation Security Administration shall sub-*  
18 *mit to Congress a security plan for Essential Air Service*  
19 *airports in the United States.*

20 *(b) ELEMENTS OF PLAN.—The security plan required*  
21 *by subsection (a) shall include the following:*

22 *(1) Recommendations for improved security*  
23 *measures at such airports.*

24 *(2) Recommendations for proper passenger and*  
25 *cargo security screening procedures at such airports.*

1           (3) *A timeline for implementation of rec-*  
2 *ommended security measures or procedures at such*  
3 *airports.*

4           (4) *Cost analysis for implementation of rec-*  
5 *ommended security measures or procedures at such*  
6 *airports.*

7 **SEC. 1107. DISCLOSURES REGARDING HOMELAND SECU-**  
8 **RITY GRANTS.**

9 (a) *DEFINITIONS.—In this section:*

10           (1) *HOMELAND SECURITY GRANT.—The term*  
11 *“homeland security grant” means any grant made or*  
12 *administered by the Department, including—*

13                   (A) *the State Homeland Security Grant*  
14 *Program;*

15                   (B) *the Urban Area Security Initiative*  
16 *Grant Program;*

17                   (C) *the Law Enforcement Terrorism Pre-*  
18 *vention Program;*

19                   (D) *the Citizen Corps; and*

20                   (E) *the Metropolitan Medical Response Sys-*  
21 *tem.*

22           (2) *LOCAL GOVERNMENT.—The term “local gov-*  
23 *ernment” has the meaning given the term in section*  
24 *2 of the Homeland Security Act of 2002 (6 U.S.C.*  
25 *101).*

1       (b) *REQUIRED DISCLOSURES.*—*Each State or local*  
2 *government that receives a homeland security grant shall,*  
3 *not later than 12 months after the later of the date of enact-*  
4 *ment of this Act and the date of receipt of such grant, and*  
5 *every 12 months thereafter until all funds provided under*  
6 *such grant are expended, report to the Secretary a list of*  
7 *all expenditures made by such State or local government*  
8 *using funds from such grant.*

9 **SEC. 1108. INCLUSION OF THE TRANSPORTATION TECH-**  
10 **NOLOGY CENTER IN THE NATIONAL DOMES-**  
11 **TIC PREPAREDNESS CONSORTIUM.**

12       *The National Domestic Preparedness Consortium shall*  
13 *include the Transportation Technology Center in Pueblo,*  
14 *Colorado.*

15 **SEC. 1109. TRUCKING SECURITY.**

16       (a) *LEGAL STATUS VERIFICATION FOR LICENSED*  
17 *UNITED STATES COMMERCIAL DRIVERS.*—*Not later than*  
18 *12 months after the date of the enactment of this Act, the*  
19 *Secretary of Transportation, in cooperation with the Sec-*  
20 *retary of Homeland Security, shall issue regulations to im-*  
21 *plement the recommendations contained in the memo-*  
22 *randum of the Inspector General of the Department of*  
23 *Transportation issued on June 4, 2004 (Control No. 2004-*  
24 *054).*

1           (b) *COMMERCIAL DRIVER'S LICENSE ANTI-FRAUD*  
2 *PROGRAMS.*—Not later than 12 months after the date of the  
3 enactment of this Act, the Secretary of the Transportation,  
4 in conjunction with the Secretary of the Department of  
5 Homeland Security, shall issue a regulation to implement  
6 the recommendations contained in the Report on Federal  
7 Motor Carrier Safety Administration Oversight of the Com-  
8 mercial Driver's License Program (MH-2006-037).

9           (c) *VERIFICATION OF COMMERCIAL MOTOR VEHICLE*  
10 *TRAFFIC.*—

11           (1) *GUIDELINES.*—Not later than 12 months  
12 after the date of the enactment of this Act, the Sec-  
13 retary of Homeland Security shall draft guidelines for  
14 Federal, State, and local law enforcement officials, in-  
15 cluding motor carrier safety enforcement personnel, to  
16 improve compliance with Federal immigration and  
17 customs laws applicable to all commercial motor vehi-  
18 cles and commercial motor vehicle operators engaged  
19 in cross-border traffic.

20           (2) *VERIFICATION.*—Not later than 12 months  
21 after the date of the enactment of this Act, the Admin-  
22 istrator of the Federal Motor Carrier Safety Adminis-  
23 tration shall modify the final rule regarding the en-  
24 forcement of operating authority (Docket No.  
25 *FMCSA-2002-13015*) to establish a system or process





1           (c) *REPORT.*—Not later than 6 months after the date  
2 of the enactment of this Act, the Comptroller General of the  
3 United States shall submit a report to Congress on the re-  
4 sults of the study, including—

5           (1) *an identification of redundancies and ineffi-*  
6 *ciencies referred to in subsection (a); and*

7           (2) *recommendations for eliminating such*  
8 *redundancies and inefficiencies.*

9 **SEC. 1114. PHASE-OUT OF VESSELS SUPPORTING OIL AND**  
10 **GAS DEVELOPMENT.**

11           *Notwithstanding section 27 of the Merchant Marine*  
12 *Act, 1920 (46 U.S.C. App. 883) and sections 12105(c) and*  
13 *12106 of title 46, United States Code, a foreign-flag vessel*  
14 *may be employed for the movement or transportation of an-*  
15 *chors for operations in support of exploration of offshore*  
16 *mineral or energy resources in the Beaufort Sea or the*  
17 *Chukchi Sea by or on behalf of a lessee—*

18           (1) *until January 1, 2010, if the Secretary of the*  
19 *department in which the Coast Guard is operating*  
20 *determines that insufficient eligible vessels docu-*  
21 *mented under chapter 121 of title 46, United States*  
22 *Code, are reasonably available and suitable for these*  
23 *support operations; and*



1           (2) during the period beginning January 1,  
2           2010, and ending December 31, 2012, if the Secretary  
3           determines that—

4                   (A) the lessee has entered into a binding  
5                   agreement to use eligible vessels documented  
6                   under chapter 121 of title 46, United States  
7                   Code, in sufficient numbers and with sufficient  
8                   suitability to replace foreign flag vessels oper-  
9                   ating under this section; and

10                   (B) the Secretary determines that no eligible  
11                   vessel documented under chapter 121 of title 46,  
12                   United States Code, is reasonably available and  
13                   suitable for these support operations to replace  
14                   any foreign flag vessel operating under this sec-  
15                   tion.

16 **SEC. 1115. COAST GUARD PROPERTY IN PORTLAND, MAINE.**

17           Section 347(c) of the Maritime Transportation Secu-  
18           rity Act of 2002 (Public Law 107–295; 116 Stat. 2109) is  
19           amended by striking “within 30 months from the date of  
20           conveyance.” and inserting “by December 31, 2009.”.

21 **SEC. 1116. METHAMPHETAMINE AND METHAMPHETAMINE**  
22                   **PRECURSOR CHEMICALS.**

23           (a) **COMPLIANCE WITH PERFORMANCE PLAN RE-**  
24           **QUIREMENTS.**—For each of the fiscal years of 2007, 2009,  
25           and 2011, as part of the annual performance plan required

1 *in the budget submission of the United States Customs and*  
2 *Border Protection under section 1115 of title 31, United*  
3 *States Code, the Commissioner shall establish performance*  
4 *indicators relating to the seizure of methamphetamine and*  
5 *methamphetamine precursor chemicals in order to evaluate*  
6 *the performance goals of the United States Customs and*  
7 *Border Protection with respect to the interdiction of illegal*  
8 *drugs entering the United States.*

9       **(b) STUDY AND REPORT RELATING TO METHAMPHET-**  
10 **AMINE AND METHAMPHETAMINE PRECURSOR CHEMI-**  
11 **CALS.—**

12           **(1) ANALYSIS.—***The Commissioner shall, on an*  
13 *ongoing basis, analyze the movement of methamphet-*  
14 *amine and methamphetamine precursor chemicals*  
15 *into the United States. In conducting the analysis,*  
16 *the Commissioner shall—*

17                   **(A)** *consider the entry of methamphetamine*  
18 *and methamphetamine precursor chemicals*  
19 *through ports of entry, between ports of entry,*  
20 *through the mails, and through international*  
21 *courier services;*

22                   **(B)** *examine the export procedures of each*  
23 *foreign country where the shipments of meth-*  
24 *amphetamine and methamphetamine precursor*  
25 *chemicals originate and determine if changes in*

1           *the country's customs over time provisions would*  
2           *alleviate the export of methamphetamine and*  
3           *methamphetamine precursor chemicals; and*

4                   *(C) identify emerging trends in smuggling*  
5           *techniques and strategies.*

6           (2) *REPORT.*—*Not later than September 30,*  
7           *2007, and each 2-year period thereafter, the Commis-*  
8           *sioner, in the consultation with the United States Im-*  
9           *migration and Customs Enforcement, the United*  
10           *States Drug Enforcement Administration, and the*  
11           *United States Department of State, shall submit a re-*  
12           *port to the Committee on Finance and the Committee*  
13           *on Foreign Relations of the Senate, and the Com-*  
14           *mittee on Ways and Means and the Committee on*  
15           *International Relations of the House of Representa-*  
16           *tives, that includes—*

17                   *(A) a comprehensive summary of the anal-*  
18           *ysis described in paragraph (1); and*

19                   *(B) a description of how the United States*  
20           *Customs and Border Protection utilized the anal-*  
21           *ysis described in paragraph (1) to target ship-*  
22           *ments presenting a high risk for smuggling or*  
23           *circumvention of the Combat Methamphetamine*  
24           *Epidemic Act of 2005 (Public Law 109–177).*



1 *the House of Representatives Committee on Homeland Se-*  
2 *curity.*

Attest:

*Secretary.*

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4954**

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**AMENDMENT**