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S. 1052
[Report No. 109–216]

To improve transportation security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2005

Mr. STEVENS (for himself, Mr. INOUYE, Mr. ROCKEFELLER, Mr. DORGAN, Ms. SNOWE, Mrs. BOXER, Ms. CANTWELL, Mr. LUTENBERG, Mr. PRYOR, Mrs. CLINTON, Mr. SCHUMER, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

FEBRUARY 27, 2006

Reported by Mr. STEVENS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To improve transportation security, and for other purposes.

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

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Transportation Security Improvement Act of 2005”. 
(b) Table of Contents.—The table of contents for this Act is as follows:

**Title I—Authorizations**

Sec. 101. Transportation Security Administration authorization.
Sec. 102. Department of Transportation authorization.
Sec. 103. Certain personnel limitations not to apply.
Sec. 104. Intermodal regional security managers.
Sec. 105. Security threat assessment coordination policy.
Sec. 106. Reorganizations.

**Title II—Improved Aviation Security**

Sec. 201. Post-fiscal year 2006 air carrier security fees.
Sec. 203. Screener training review.
Sec. 204. Employee retention internship program.
Sec. 205. Repair station security.
Sec. 206. Waiver process for certain employment disqualifications.

**Title III—Improved Rail Security**

Sec. 301. Short title.
Sec. 302. Rail transportation security risk assessment.
Sec. 303. Systemwide Amtrak security upgrades.
Sec. 304. Fire and life-safety improvements.
Sec. 305. Freight and passenger rail security upgrades.
Sec. 306. Rail security research and development.
Sec. 307. Oversight and grant procedures.
Sec. 308. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 309. Northern Border rail passenger report.
Sec. 310. Rail worker security training program.
Sec. 311. Whistleblower protection program.
Sec. 312. High hazard material security threat mitigation plans.
Sec. 313. Memorandum of agreement.
Sec. 314. Rail security enhancements.
Sec. 315. Welded rail and tank car safety improvements.
Sec. 316. Report regarding impact on security of train travel in communities without grade separation.
Sec. 317. Study of foreign rail transport security programs.
Sec. 318. Passenger, baggage, and cargo screening.
Sec. 319. Public awareness.
Sec. 320. Railroad high hazard material tracking.

**Title IV—Improved Motor Carrier, Bus, and Hazardous Material Security**

Sec. 401. Background checks for drivers hauling hazardous materials.
Sec. 402. Written plans for hazardous materials highway routing.
Sec. 403. Motor carrier high hazard material tracking.
Sec. 404. Truck leasing security training guidelines.
Sec. 405. Hazardous materials security inspections and enforcement.
Sec. 406. Pipeline security and incident recovery plan.
TITLE II—AUTHORIZATIONS

SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION

AUTHORIZATION.

Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:

"(u) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security, (Transportation Security Administration)—

"(1) for Aviation Security—

"(A) $5,000,000,000 for fiscal year 2006;

"(B) $5,250,000,000 for fiscal year 2007;

and

"(C) $5,500,000,000 for fiscal year 2008;

"(2) for Maritime and Land Security—
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``(A) $391,000,000 for fiscal year 2006;
(B) $354,000,000 for fiscal year 2007;
and
(C) $354,000,000 for fiscal year 2008;
``(3) for Intelligence—
``(A) $30,000,000 for fiscal year 2006;
(B) $32,000,000 for fiscal year 2007; and
(C) $34,000,000 for fiscal year 2008;
``(4) for Research and Development—
``(A) $30,000,000 for fiscal year 2006;
(B) $32,000,000 for fiscal year 2007; and
(C) $34,000,000 for fiscal year 2008; and
``(5) for Administration—
``(A) $530,000,000 for fiscal year 2006;
(B) $535,000,000 for fiscal year 2007; and
(C) $540,000,000 for fiscal year 2008.”.

SEC. 102. DEPARTMENT OF TRANSPORTATION AUTHORIZA-
TION.

There are authorized to be appropriated to the Sec-
retary of Transportation to carry out title III of this Act
and sections 20118 and 24316 of title 49, United States
Code, as added by title III of this Act—
(1) $261,000,000 for fiscal year 2006;
(2) $258,000,000 for fiscal year 2007; and
(3) $258,000,000 for fiscal year 2008.

SEC. 103. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

(a) In General.—Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this Act.

(b) Aviation Security.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—

(1) to provide appropriate levels of aviation security; and

(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced.

SEC. 104. INTERMODAL REGIONAL SECURITY MANAGERS.

(a) Establishment, Designation, and Stationing.—The Under Secretary of Homeland Security for
Border and Transportation Security, acting through the
Transportation Security Administration, is authorized to
establish the position of Intermodal Manager within each
of at least 8 regional areas of the nation, as divided on
a geographical basis. The Under Secretary shall designate
individuals as Managers for, and station those Managers
within, those regions.

(b) DUTIES AND POWERS.—The regional offices
shall—

(1) receive intelligence information related to
maritime and land security within the region;

(2) assist in the development and implementation
of vulnerability, threat, and risk assessments,
security plans, the identification of critical infra-
structure for the region undertaken by the Trans-
portation Security Administration and the Depart-
ment of Homeland Security, or other public or pri-
ivate entity when appropriate;

(3) serve as the regional coordinator of the As-
sistant Secretary's response to terrorist incidents
and threats to maritime and land assets, operations
and infrastructure within the region;

(4) coordinate efforts related to maritime and
land security with other Department officials, State
and local law enforcement, and other public and private entities;

(5) coordinate with other regional managers;

(6) assist the Assistant Secretary in prioritizing maritime and land security improvements, grants, and other efforts funded by the Transportation Security Administration or the Department of Homeland Security within the region; and

(7) engage in outreach and promote public awareness of maritime and land security efforts when appropriate.

SEC. 105. SECURITY THREAT ASSESSMENT COORDINATION POLICY.


(b) Format.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.
SEC. 106. REORGANIZATIONS.

The Secretary of Homeland Security shall notify the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Homeland Security and Governmental Affairs, and the House of Representatives Committee on Homeland Security in writing not less than 15 days before—

(1) reorganizing or renaming offices;

(2) reorganizing programs or activities; or

(3) contracting out or privatizing any functions or activities presently performed by Federal employees.

TITLE II—IMPROVED AVIATION SECURITY

SEC. 201. POST-FISCAL YEAR 2006 AIR CARRIER SECURITY FEES.

(a) Air Carrier Security Service Fees Subject to Congressional Review.—Section 44940(a)(2) of title 49, United States Code, is amended by adding at the end the following:

"(D) Fiscal years 2007 and later.— The Under Secretary may not impose a fee under subparagraph (A) after September 30, 2006, unless—

"(i) the fee is imposed by rule promulgated by the Under Secretary; and
“(ii) the Under Secretary submits the rule to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not less than 60 days before its proposed effective date.

“(E) APPLICATION OF CHAPTER 8 OF TITLE 5.—Chapter 8 of title 5 applies to any rule promulgated by the Under Secretary imposing a fee under subparagraph (A) after September 30, 2006.”

(b) REPORT ON TRANSPORTATION SECURITY SERVICE FEES.—Each year, beginning with calendar year 2006, the Secretary of Homeland Security, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on fees, substantially similar to the fee imposed under section 44940(a)(2) of title 49, United States Code, that are imposed under authority of law on competing modes of regularly-scheduled commercial passenger transportation by rail, vessel, or over-the-road bus to pay for the difference between the Transportation Security Administration’s costs of providing transportation security services in con-
 connection with those modes of transportation and amounts collected from fees imposed under authority of law on passengers using those modes of transportation, taking into account costs that are the same as or similar to the costs described in 44940(a)(1) of that title that are appropriate to the respective modes of transportation.

SEC. 202. ALTERNATIVE COLLECTION METHODS FOR PASSENGER SECURITY FEE.

(a) In General.—

(1) Study.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall study the feasibility of collecting the passenger security service fee authorized by section 44940(a) of title 49, United States Code, directly from passengers at, or before they reach, the airport through a system developed or approved by the Assistant Secretary, including the use of vending kiosks, other automated vending devices, the Internet, or other remote vending sites.

(2) Solicitation of proposals.—In carrying out this subsection the Secretary shall solicit proposals for such alternative collection mechanisms.

(3) Development of alternatives.—Based on the study conducted under paragraph (1) and an evaluation of proposals submitted pursuant to the
1 solicitation under paragraph (2), the Assistant Sec-
2 retary shall develop such alternative collection sys-
3 tems as the Assistant Secretary determines to be
4 feasible, including schedules and methods to ensure
5 the efficiency of such systems.
6 (b) REPORT.—The Secretary shall report the results
7 of the study, together with any recommendations the Sec-
8 retary deems appropriate, to the Congress within 6
9 months after the date of enactment of this Act.
10 (c) DEMONSTRATION PROJECTS.—If the Secretary
11 determines that a system of direct collection of such fees
12 from passengers at airports is feasible, the Secretary shall
13 conduct demonstration projects at no fewer than 3 air-
14 ports within 1 year after submitting the report required
15 by subsection (b) to the Congress.

SEC. 203. SCREENER TRAINING REVIEW.

Within 6 months after the date of enactment of this
Act, the Assistant Secretary of Homeland Security
(Transportation Security Administration), shall transmit
a report on the adequacy of training for Transportation
Security Administration screeners to the Congress. In ad-
dition to other issues, the Assistant Secretary shall specifi-
cally address any multi-hour weekly training requirement
for such screeners, including an assessment of the degree
to which such a requirement is observed and whether the
requirement is appropriate, workable, and desirable. The Inspector General of the Department of Homeland Security shall review the report submitted under this section.

SEC. 204. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at no fewer than 3 airports for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for pre-employment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants—

(1) shall be compensated for training and services time while participating in the program; and

(2) shall be required to agree, as a condition of participation in the program, to accept employment as a screener upon successful completion of the internship and upon graduation from the secondary school.

SEC. 205. REPAIR STATION SECURITY.

(a) Certification of Foreign Repair Stations Suspension.—If the Under Secretary of Homeland Security for Border and Transportation Security does not issue the regulations required by section 44924(e) of title 49,
United States Code, within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations after such 90th day.

(b) 6-Month Deadline for Security Review and Audit.—Subsections (a) and (d) of section 44924 of title 49, United States Code, are each amended by striking "18 months" and inserting "6 months".

SEC. 206. WAIVER PROCESS FOR CERTAIN EMPLOYMENT DISQUALIFICATIONS.

Section 44936 of title 49, United States Code, is amended by adding at the end the following:

"(f) Waiver Process.—

""(1) In General.—The Under Secretary for Border and Transportation Security of the Department of Homeland Security shall establish a process to permit an individual who was convicted of a crime listed in subsection (b) to obtain a waiver from the Under Secretary to permit that individual's employment.

""(2) Factors.—In deciding whether to grant a waiver under this subsection, the Under Secretary shall give consideration to the circumstances of the disqualifying crime, restitution made by the indi-
vidual, and other factors that would tend to indicate that the individual does not pose a security or terrorism risk.

"(3) Appeals process.—The Under Secretary shall establish a process that includes an opportunity for a hearing for individuals who are denied waivers under this subsection.

"(4) Restrictions on use and maintenance of information.—

"(A) Information submitted to or obtained by the Attorney General or the Secretary under this section about an individual may not be made available to the public, including the individual’s employer.

"(B) Any information submitted to or obtained under this section shall be maintained confidentially by the Under Secretary and may be used only for making determinations under this section. The Under Secretary may share any such information with other Federal law enforcement agencies. An individual’s employer may only be informed whether or not the individual has been granted unescorted access under this section.
“(5) Appeal.—An individual denied a waiver under this subsection may file a civil action appealing that denial in any United States District Court and those courts shall have jurisdiction of the appeal.”

TITLE III—IMPROVED RAIL SECURITY

SEC. 301. SHORT TITLE.

This title may be cited as the “Rail Security Act of 2005.”

SEC. 302. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) In General.—

(1) Vulnerability and Risk Assessment.—

The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) identification and evaluation of critical assets and infrastructures;
(B) identification of vulnerabilities and risks to those assets and infrastructures;

(C) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad; and

(D) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) **EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.**—The assessment shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) **RECOMMENDATIONS.**—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

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

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

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

(4) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Fed-
eral government to provide increased security
support at high or severe threat levels of alert;

(B) a plan for coordinating existing and
planned rail security initiatives undertaken by
the public and private sectors; and

(C) a contingency plan, developed in con-
junction with freight and intercity and com-
muter passenger railroads, to ensure the contin-
ued movement of freight and passengers in the
event of an attack affecting the railroad system,
which shall contemplate—

(i) the possibility of rerouting traffic
due to the loss of critical infrastructure;
such as a bridge, tunnel, yard, or station;
and

(ii) methods of continuing railroad
service in the Northeast Corridor in the
event of a commercial power loss, or cata-
strophe affecting a critical bridge, tunnel,
yard, or station.

(b) Consultation; Use of Existing Re-
sources.—In carrying out the assessment and developing
the recommendations and plans required by subsection
(a), the Secretary of Homeland Security shall consult with
rail management, rail labor, owners or lessors of rail cars
used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(e) Report.—

(1) Contents.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) Format.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) Annual Updates.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.
(o) **FUNDING.**—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2006.

**SEC. 303. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

(a) **In General.—** Subject to subsection (e) the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

1. to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;
2. to secure Amtrak trains;
3. to secure Amtrak stations;
4. to obtain a watch list identification system approved by the Secretary;
5. to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;
6. to hire additional police and security officers, including canine units; and
7. to expand emergency preparedness efforts.
(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak’s entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

(1) $63,500,000 for fiscal year 2006;
(2) $30,000,000 for fiscal year 2007; and
(3) $30,000,000 for fiscal year 2008.

Amounts appropriated pursuant to this subsection shall remain available until expended.
SEC. 304. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 102 of this Act, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2006;

(B) $190,000,000 for fiscal year 2007; and

(C) $190,000,000 for fiscal year 2008.

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

(A) $19,000,000 for fiscal year 2006;

(B) $19,000,000 for fiscal year 2007; and

(C) $19,000,000 for fiscal year 2008.
(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2006;

(B) $13,333,000 for fiscal year 2007; and

(C) $13,333,000 for fiscal year 2008.

(e) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 102 of this Act, there shall be made available to the Secretary of Transportation for fiscal year 2006 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

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

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule,
recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary’s notification, submit a modified plan for the Secretary’s review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute
an agreement with Amtrak within 15 days thereafter on
a process for resolving the remaining portions of the plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary shall, taking into account the
need for the timely completion of all portions of the tunnel
projects described in subsection (a)—

(1) consider the extent to which rail carriers
other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial
contribution from those other rail carriers toward
the costs of the projects; and

(3) obtain financial contributions or commit-
ments from such other rail carriers at levels reflect-
ing the extent of their use or planned use of the tun-
nels, if feasible.

SEC. 305. FREIGHT AND PASSENGER RAIL SECURITY UP-
GRADES.

(a) Security Improvement Grants.—The Sec-
cretary of Homeland Security, through the Assistant Sec-
cretary of Homeland Security (Transportation Security Ad-
ministration) and other appropriate agencies, is author-
ized to make grants to freight railroads; the Alaska Rail-
road; hazardous materials shippers; owners of rail cars
used in the transportation of hazardous materials; univer-
sities, colleges and research centers; State and local gov-
ernments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 302, including—

(1) security and redundancy for critical communications; computer; and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the United States-Mexico border or the United States-Canada border;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;
(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 302, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this Act and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section 302, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.
(d) Conditions.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 303(b) of this Act.

(e) Allocation Between Railroads and Others.—Unless as a result of the assessment required by section 302 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $65,000,000 to Amtrak; or

(2) in excess of $100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) Authorization of Appropriations.—Out of funds appropriated pursuant to section 144(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $120,000,000 for fiscal year 2006;

(2) $120,000,000 for fiscal year 2007; and

(3) $120,000,000 for fiscal year 2008.

Amounts made available pursuant to this subsection shall remain available until expended.
(g) High Hazard Materials Defined.—In this section, the term “high hazard materials” means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Secretary, in consultation with the Secretary of Transportation, determines pose a security risk.

SEC. 306. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) Establishment of Research and Development Program.—The Secretary of Transportation, in conjunction with the Under Secretary of Homeland Security for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;
(C) communication-based train controls;
and
(D) emergency response training;
(4) test wayside detectors that can detect tampering with railroad equipment;
(5) support enhanced security for the transportation of hazardous materials by rail, including—
(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;
(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 305(g) of this Act; and
(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and
(6) other projects that address vulnerabilities and risks identified under section 302.
(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Transportation shall ensure that the research and development program authorized by
this section is coordinated with other research and development initiatives at the Department of Transportation and the Department of Homeland Security. The Secretary shall carry out any research and development project authorized by this section through a reimbursable agreement with the Under Secretary of Homeland Security for Science and Technology, if the Under Secretary—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(e) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 305(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this Act and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 102 of this Act, there shall be made available to the Secretary of Transportation to carry out this section—

(1) $35,000,000 for fiscal year 2006;

(2) $35,000,000 for fiscal year 2007; and

(3) $35,000,000 for fiscal year 2008.
Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 307. OVERSIGHT AND GRANT PROCEDURES.

(a) Secretarial Oversight.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2005 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) Use of Funds.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under this Act.

(c) Procedures for Grant Award.—The Secretary shall prescribe procedures and schedules for the awarding of grants under this Act, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established.
The Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of enactment of this Act.

SEC. 308. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

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§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2005, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life:

(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:
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(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff to handle calls from the families of the passengers.

(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the pas-
senger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak’s control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak’s control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family
of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak’s conduct.

"(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) FUNDING.—Out of funds appropriated pursuant to section 102 of the Rail Security Act of 2005, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2006 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents."
SEC. 309. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, the Assistant Secretary of Homeland Security (Transportation Security Administration), heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in “The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America”, dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the “Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Rail-
way and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating United States Customs and Border Patrol rolling inspections onboard international Amtrak trains.
SEC. 310. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) In General.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line workers for potential threat conditions.

(b) Program Elements.—The guidance developed under subsection (a) shall require such a program to include, at a minimum, elements as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.
(8) Any other subject the Secretary considers appropriate.

(c) Railroad Carrier Programs.—Not later than 60 days after the Secretary issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to the Secretary for approval. Not later than 30 days after receiving a railroad carrier’s program under this subsection, the Secretary shall review the program and approve it or require the railroad carrier to make any revisions the Secretary considers necessary for the program to meet the guidance requirements.

(d) Training.—Not later than 180 days after the Secretary approves the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program.

(e) Updates.—The Secretary shall update the training guidance issued under subsection (a) from time to time to reflect new or different security threats, and require railroad carriers to revise their programs accordingly and provide additional training to their front-line workers.

(f) Front-Line Workers Defined.—In this section, the term “front-line workers” means security personnel, dispatchers, train operators, other onboard em-
ployees, maintenance and support personnel, bridge tenders, and other appropriate employees of railroad carriers.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 311. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

§ 20118. Whistleblower protection for rail security matters

(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a perceived threat to security; or

(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony
before Congress or at any Federal or State proceeding regarding a perceived threat to security; or

"(b) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this
section and another provision of law for the same allegedly
unlawful act of the carrier.

"(c) Disclosure of Identity.—

"(1) Except as provided in paragraph (2) of
this subsection, or with the written consent of the
employee, the Secretary of Transportation may not
disclose the name of an employee of a railroad car-
rier who has provided information about an alleged
violation of this section.

"(2) The Secretary shall disclose to the Attor-
ney General the name of an employee described in
paragraph (1) of this subsection if the matter is re-
ferred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter anal-
ysis for chapter 201 of title 49, United States Code, is
amended by inserting after the item relating to section
20117 the following:

"20118. Whistleblower protection for rail security matters.";

SEC. 312. HIGH HAZARD MATERIAL SECURITY THREAT
MITIGATION PLANS.

(a) In General.—The Secretary of Homeland Secu-

rity, in consultation with the Assistant Secretary of Home-

land Security (Transportation Security Administration)

and the Secretary of Transportation, shall require rail car-

riers transporting a high hazard material, as defined in

section 305(g) of this Act and of a quantity equal or ex-
ceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plans containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets.

(b) IMPLEMENTATION.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier’s right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—

(1) a high-consequence target that is within the catastrophic impact zone of a railroad right-of-way used to transport high hazardous material; or

(2) rail infrastructure or operations within the immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier shall—

(A) submit a list of routes used to transport high hazard materials to the Secretary of Homeland Security within 60 days after the date of enactment of this Act; and
(B) develop and submit a high hazard material security threat mitigation plan to the Secretary within 180 days after it receives the notice of high consequence targets on such routes by the Secretary.

(2) Review and Updates.—The Secretary, with assistance of the Secretary of Transportation, shall review and approve the plans. Each rail carrier shall update and resubmit its plan for review not less than every 2 years.

(d) Definitions.—In this section:

(1) The term “high-consequence target” means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and

(B) significantly damaged national security and defense capabilities; or

(C) national economic harm.

(2) The term “catastrophic impact zone” means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion
of the high hazard material being transported would likely cause—
(A) loss of life; or
(B) significant damage to property or structures.
(3) The term “rail carrier” has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 313. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking “safety” the first place it appears, and inserting “safety, including security.”
SEC. 314. RAIL SECURITY ENHANCEMENTS.

(a) Rail Police Officers.—Section 28101 of title 49, United States Code, is amended—

(1) by inserting "(a) In General.—" before "Under";

(2) by striking "the rail carrier" each place it appears and inserting "any rail carrier"; and

(3) by adding at the end the following:

"(b) Limitation.—Except to the extent necessary to carry out subsection (a), a rail police officer employed by a Class I or Class II railroad as identified by the Surface Transportation Board has no authority to enforce any rule, policy, or practice of, or labor agreement by, a rail carrier relating to personnel management or labor relations other than those involving safety or security. Nothing in this subsection shall preclude a rail police officer from performing any activities not covered by subsection (a) that may be performed by any other employee of a railroad, provided that the rail police officer does not use his or her position as a rail police officer in performing such activities."

(b) Review of Rail Regulations.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration),
shall review existing rail regulations of the Department
of Transportation for the purpose of identifying areas in
which those regulations need to be revised to improve rail
security.

SEC. 315. WELDED RAIL AND TANK CAR SAFETY IMPROVE-
MENTS.

(a) Track Standards.—

(1) In general.—Within 90 days after the
date of enactment of this Act, the Federal Railroad
Administration shall—

(A) require each track owner using continu-
ous welded rail track to include procedures (in
its procedures filed with the Administration
pursuant to section 213.119 of title 49, Code of
Federal Regulations) to improve the identifica-
tion of cracks in rail joint bars;

(B) instruct Administration track inspec-
tors to obtain copies of the most recent contin-
uous welded rail programs of each railroad
within the inspectors’ areas of responsibility
and require that inspectors use those programs
when conducting track inspections; and

(C) establish a program to review contin-
uous welded rail joint bar inspection data from
railroads and Administration track inspectors periodically.

(2) Inspection.—Whenever the Administration determines that it is necessary or appropriate the Administration may require railroads to increase the frequency of inspection, or improve the methods of inspection, of joint bars in continuous welded rail.

(b) Tank Car Standards.—The Federal Railroad Administration shall—

(1) validate a predictive model to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions within 1 year after the date of enactment of this Act; and

(2) initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars within 18 months after the date of enactment of this Act.

(c) Older Tank Car Impact Resistance Analysis and Report.—Within 1 year after the date of enactment of this Act the Federal Railroad Administration shall conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989. Within 6 months after completing that analysis the Administration shall—
(1) establish a program to rank those cars according to their risk of catastrophic fracture and separation;

(2) implement measures to eliminate or mitigate this risk; and

(3) transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the measures implemented.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Federal Railroad Administration $1,000,000 for fiscal year 2006 to carry out this section, such sums to remain available until expended.

SEC. 316. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) Study.—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, the Assistant Secretary of Homeland Security (Transportation Security Administration), and State and local government officials, shall conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police,
fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings of the study conducted under subsection (a) and recommendations for reducing the impact of blocked crossings on emergency response capabilities.

SEC. 317. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Within one year after the date of enactment of the Rail Security Act of 2005, the Comptroller General shall complete a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.
(e) REPORT.—The Comptroller General shall submit a report on the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The report shall include the Comptroller General’s assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 318. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, shall—

(1) study the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains including an analysis of any passenger train screening pilot programs undertaken by the Department of Homeland Security; and

(2) report the results of the study, together with any recommendations that the Secretary of Homeland Security may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation
and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2006.

SEC. 319. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad security. Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall implement the plan developed under this section.
SEC. 320. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) Wireless Communications.—

(1) In General.—Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 305(g) of this Act) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.

(2) Coordination.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to coordinate the program with any ongoing or planned efforts for rail car
tracking at the Department of Homeland Security; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security’s hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 102 of this Act, there shall be made available to the Secretary of Homeland Security through the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section $3,000,000 for each of fiscal years 2006, 2007, and 2008.

TITLE IV—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 401. BACKGROUND CHECKS FOR DRIVERS HAULING HAZARDOUS MATERIALS.

(a) Foreign Drivers.—

(1) In general.—No commercial motor vehicle operator registered to operate in Mexico or Canada may operate a commercial motor vehicle transporting a hazardous material in commerce in the United States until the operator has undergone a background records check similar to the background records check required for commercial motor vehicle
operators licensed in the United States to transport hazardous materials in commerce.

(2) DEFINITIONS.—In this subsection:

(A) HAZARDOUS MATERIALS.—The term "hazardous material" has the meaning given that term in section 5102(2) of title 49, United States Code.

(B) COMMERCIAL MOTOR VEHICLE.—The term "commercial motor vehicle" has the meaning given that term by section 31101 of title 49, United States Code.

(b) OTHER DRIVERS.—

(1) EMPLOYER NOTIFICATION.—Within 90 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop and implement a process for the notification of a hazmat employer (as defined in section 5102(4) of title 49, United States Code), if appropriate considering the potential security implications, designated by an applicant seeking a threat assessment under part 1572 of title 49, Code of Federal Regulations, if the Transportation Security Administration, in an initial notification of threat assessment or a final notification of threat assessment, served on the applicant
determines that the applicant does not meet the standards set forth in section 1572.5(d) of title 49, Code of Federal Regulations.

(2) Relationship to other background records checks.—

(A) Elimination of redundant checks.—An individual with respect to whom the Transportation Security Administration—

(i) has performed a security threat assessment under part 1572 of title 49, Code of Federal Regulations; and

(ii) has issued a notification of no security threat under section 1572.5(g) of that title,

is deemed to have met the requirements of any other background check that is equivalent to, or less stringent than, the background check performed under section 5103a of title 49, United States Code, that is required for purposes of any Federal law applicable to transportation workers.

(B) Determination by assistant secretary.—Within 30 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security
Administration) shall initiate a rulemaking proceeding, including notice and opportunity for comment, that sets forth the background checks and other similar security or threat assessment requirements applicable to transportation workers under Federal law to which subparagraph (A) applies.

(C) Future Rulemakings.—The Assistant Secretary shall make a determination under the criteria established under subparagraph (B) with respect to any rulemaking proceeding to establish or modify required background checks for transportation workers initiated after the date of enactment of this Act.

(c) Appeals Process for More Stringent State Procedures.—If a State establishes standards for applicants for a hazardous materials endorsement to a commercial driver's license that, as determined by the Secretary of Homeland Security, are more stringent than the standards set forth in section 1572.5(d) of title 49, Code of Federal Regulations, then the State shall also provide an appeals process similar to the process provided under section 1572.141 of title 49, Code of Federal Regulations, by which an applicant denied a hazardous materials endorsement to a commercial driver's license by that State
may appeal that denial in a manner substantially similar to, and to the same extent as, an individual who received an initial notification of threat assessment under part 1572 of that title.

(d) Clarification of Term Defined in Regulations.—The term "severe transportation security incident", as defined in section 1572.3 of title 49, Code of Federal Regulations, does not include a work stoppage or other nonviolent employee-related action resulting from an employer-employee dispute. Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall modify the definition of that term to reflect the preceding sentence.

(e) Background Check Capacity.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall transmit a report by October 1, 2005, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security on the implementation of fingerprint-based security threat assessments and the adequacy of fingerprinting locations, personnel, and resources to accomplish the timely processing of fingerprint-based security threat assessments for individuals holding commercial driver’s licenses who are applying to renew hazardous materials endorsements.
SEC. 402. WRITTEN PLANS FOR HAZARDOUS MATERIALS

HIGHWAY ROUTING.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall require each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain a written route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 of that title.

SEC. 403. MOTOR CARRIER HIGH HAZARD MATERIAL TRACKING.

(a) Wireless Communications.—Within 2 years after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation, shall require, consistent with the recommendations and finding contained in the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004, commercial motor vehicles transporting high hazard materials (as defined in section 305(g) of this Act) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, to be equipped with wireless
terrestrial or satellite communications technology that provides—

(1) continuous communications;
(2) vehicle position location and tracking capabilities; and
(3) a feature that allows a driver of such vehicles to broadcast an emergency message.

(b) EXEMPTIONS.—The Assistant Secretary may grant a 2-year waiver of this requirement for a motor carrier for the commercial motor vehicles it operates if—

(1) adequate technology is not readily available;
(2) available technology is not sufficiently reliable; or
(3) the size of a motor carrier or the infrequency with which it transports high hazard material shipments makes the requirement overly burdensome.

(c) ASSISTANCE PROGRAM.—The Assistant Secretary may develop an assistance program to provide technical guidance and grants to motor carriers who receive waivers under subsection (b)(3) to expedite compliance with subsection (a) of this section.
SEC. 404. TRUCK LEASING SECURITY TRAINING GUIDELINES.

(a) In General.—Within 180 days after the date of enactment of this Act the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Federal Motor Carrier Safety Administration, shall develop and make available in written or electronic form security training guidelines for short-term truck leasing operations.

(b) Contents.—The truck leasing security training guidelines shall—

(1) include information for short-term truck leasing companies on the appropriate contents of employee security training efforts designed to enable employees to recognize terrorist threats and criminal activity; and

(2) contain a list of best practices developed by the Assistant Secretary.

(c) Outreach.—The Assistant Secretary, through each Federal maritime and land regional security manager, shall hold public information and outreach sessions to present the truck leasing security training guidelines to short-term truck leasing companies.

(d) Funding.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Assistant Secretary of
Homeland Security (Transportation Security Administration), to carry out this section $1,000,000 for fiscal year 2006.

SEC. 405. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) In General.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall establish a program within the Transportation Security Administration, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans required under part 172, title 49, Code of Federal Regulations, within 180 days after the date of enactment of this Act.

(b) Civil Penalty.—The failure, by a shipper, carrier, or other person subject to part 172 of title 49, Code of Federal Regulations, to comply with any applicable section of that part within 180 days after being notified by the Assistant Secretary of such failure to comply, is punishable by a civil penalty imposed by the Assistant Secretary under title 49, United States Code. For purposes of this subsection, each day of noncompliance after the 181st day following the date on which the pipeline operator received notice of the failure shall constitute a separate failure.
(e) **COMPLIANCE REVIEW.**—In reviewing the compliance of hazardous materials shippers, carriers, or other persons subject to part 172 of title 49; Code of Federal Regulations, with the provisions of that part, the Assistant Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target review and enforcement actions to the most vulnerable and critical hazardous materials transportation operations.

(d) **FUNDING.**—Out of funds appropriated pursuant to section 114(u)(2) of title 49; United States Code, there shall be made available to the Assistant Secretary of Homeland Security (Transportation Security Administration), to carry out this section—

1. $2,000,000 for fiscal year 2006;
2. $2,000,000 for fiscal year 2007; and
3. $2,000,000 for fiscal year 2008.

**SEC. 406. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.**

(a) **IN GENERAL.**—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section 408, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—
(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 407—

(A) at high or severe security threat levels of alert; and

(B) when specific security threat information relating to such pipeline infrastructure or operations exists; and

(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for granting access to pipeline operators for pipeline infrastructure repair, replacement or bypass following an incident.
(b) Existing Private and Public Sector Efforts.—The plan shall take into account actions taken or planned by both public and private entities to address identified pipeline security issues and assess the effective integration of such actions.

(c) Consultation.—In developing the plan under subsection (a), the Secretary shall consult with interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) Report.—

(1) Contents.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate; the Committee on Homeland Security of the House of Representatives; and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a); along with an estimate of the cost to implement any recommendations.

(2) Format.—The Secretary may submit the report in both classified and redacted formats if the
Secretary determines that such action is appropriate or necessary.

(c) FUNDING.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2006.

SEC. 407. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation, shall establish a program within the Transportation Security Administration for reviewing pipeline operator adoption of recommendations in the September, 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections, as determined by the Assistant Secretary.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Assistant Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most
critical pipeline operators, as determined by the Assistant Secretary, covered by the September 5, 2002, circular.

(c) **COMPLIANCE REVIEW METHODOLOGY.**—In reviewing pipeline operator compliance under subsections (a) and (b), the Assistant Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and enforcement actions to the most vulnerable and critical pipeline assets.

(d) **REGULATIONS.**—Within 1 year after the date of enactment of this Act, the Assistant Secretary shall issue security regulations for natural gas and hazardous liquid pipelines and pipeline facilities. The regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration’s Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance. The Assistant Secretary shall publish a schedule of those civil penalties.

(e) **FUNDING.**—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Assistant Secretary of
Homeland Security (Transportation Security Administration), to carry out this section—

(1) $2,000,000 for fiscal year 2006;

(2) $2,000,000 for fiscal year 2007; and

(3) $2,000,000 for fiscal year 2008.

SEC. 408. MEMORANDUM OF AGREEMENT.

Within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing pipeline security and hazardous material transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

SEC. 409. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall develop a national public sector response system to receive security alerts, emergency messages, and other information generated by various wireless terrestrial...
or satellite communications technologies used to track the
transportation of high hazard materials which can provide
accurate, timely, and actionable information to appro-
priate first responder, law enforcement and public safety,
and homeland security officials, as appropriate, regarding
accidents, threats, thefts, or other safety and security
risks or incidents. In developing this system, they shall
consult with law enforcement and public safety officials,
hazardous material shippers, motor carriers, railroads, or-
ganizations representing hazardous material employees;
State transportation and hazardous materials officials;
Operation Respond, and commercial motor vehicle and
hazardous material safety groups. The development of the
national public sector response system shall be based upon
the public sector response center developed for the haz-
ardous material safety and security operational field test
undertaken by the Federal Motor Carrier Safety Adminis-
tration.

(b) CAPABILITY.—The national public sector re-
response system shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.
(e) Characteristics.—The national public sector response system shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and

(3) provide users the ability to create rules for alert notification messages.

(d) Carrier Participation.—Within 180 days after the national public sector response system is operational, as determined by the Secretary, each motor carrier and railroad transporting high hazard materials, or entities acting on their behalf who receive such wireless communication alerts from motor carriers or railroads, shall provide the information listed in subsection (b) to the national public sector response system and vehicle or rail car location information to extent possible with the wireless communication technology used by the motor carrier or railroad.

(e) Call-In Number.—The national public sector response system shall be designed to include an automated call-in system that allows commercial motor vehicle drivers, railroad employees, and hazardous material employees
involved in the transportation of high hazard materials to report accidents, threats, thefts, or other safety and security risks or incidents to the national public sector response system using cellular or other telephone technology.

(f) **Data Privacy.**—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers and drivers.

(g) **Report.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the estimated total cost to establish and annually operate the national public sector response system under subsection (a), together with any recommendations for generating private sector participation and investment in the development and operation of the national public sector response system.

(h) **Funding.**—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $1,000,000 for fiscal year 2006;
(2) $1,000,000 for fiscal year 2007; and

(3) $1,000,000 for fiscal year 2008.

SEC. 410. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) In General.—The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a program for making grants to private operators of over-the-road buses for system-wide security improvements to their operations, including—

(1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;

(2) protecting or isolating the driver;

(3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;

(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;
(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational head- quarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the- road buses.

(b) REIMBURSEMENT.—A grant under this section may be used to provide reimbursement to private opera- tors of over-the-road buses for extraordinary security-re- lated costs for improvements described in paragraphs (1) through (9) of subsection (a), determined by the Assistant Secretary to have been incurred by such operators since September 11, 2001.

(c) FEDERAL SHARE.—The Federal share of the cost for which any grant is made under this section shall be 90 percent.

(d) DUE CONSIDERATION.—In making grants under this section, the Assistant Secretary shall give due consid- eration to private operators of over-the-road buses that
have taken measures to enhance bus transportation secu-

rity from those in effect before September 11, 2001, and

shall prioritize grant funding based on the magnitude and

severity of the security threat to bus passengers and the

ability of the funded project to reduce, or respond to, that

threat.

(e) Grant Requirements.—A grant under this sec-

tion shall be subject to all the terms and conditions that

a grant is subject to under section 3038(f) of the Trans-

portation Equity Act for the 21st Century (49 U.S.C.

5310 note; 112 Stat. 393).

(f) Plan Requirement.—

(1) In general.—The Assistant Secretary

may not make a grant under this section to a pri-

vate operator of over-the-road buses until the oper-

ator has first submitted to the Assistant Secretary—

(A) a plan for making security improve-

ments described in subsection (a) and the As-

sistant Secretary has approved the plan; and

(B) such additional information as the As-

sistant Secretary may require to ensure ac-

countability for the obligation and expenditure

of amounts made available to the operator

under the grant.
(2) Coordination.—To the extent that an application for a grant under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Assistant Secretary that the applicant has coordinated the security improvements for the terminal with that entity:

(g) Over-the-Road Bus Defined.—In this section, the term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(h) Bus Security Assessment.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration), shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, a preliminary report in accordance with the requirements of this section.

(2) Contents of Preliminary Report.—The preliminary report shall include—
(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Assistant Secretary shall consult with over-the-
road bus management and labor representatives,
public safety and law enforcement officials, and the
National Academy of Sciences.

(i) FUNDING.—Out of funds appropriated pursuant
to section 114(u)(2) of title 49, United States Code, there
shall be made available to the Assistant Secretary of
Homeland Security (Transportation Security Administra-
tion), to carry out this section—

(1) $50,000,000 for fiscal year 2006;
(2) $50,000,000 for fiscal year 2007; and
(3) $50,000,000 for fiscal year 2008.

Amounts made available pursuant to this subsection shall
remain available until expended.

TITLE V—IMPROVED MARITIME
SECURITY

SEC. 501. ESTABLISHMENT OF ADDITIONAL JOINT OPER-
ATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—In order to improve interagency
cooporation, unity of command, and the sharing of intel-
ligence information in a common mission to provide great-
er protection for port and intermodal transportation sys-
tems against acts of terrorism, the Secretary of Homeland
Security, acting through the Commandant of the Coast
Guard, shall establish joint operational centers for port se-
security at all Tier 1 ports to the extent practicable within 2 years after the date of enactment of this Act.

(b) CHARACTERISTICS.—The joint operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project joint operational centers for port security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by the United States Customs and Border Protection Agency, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security, and State and local law enforcement or port security agencies and personnel; and

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46; United States Code;
(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70116 of that title;

(E) the Bureau of Customs and Border Protection’s screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(e) 2005 Act Report Requirement.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) Budget and Cost-Sharing Analysis.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a proposed budget analysis for implementing sub-
section (a), including cost-sharing arrangements with other Federal departments and agencies involved in the joint operation of the centers.

SEC. 502. AMTS PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

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

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

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

“(F) include a salvage response plan—

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

“(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.”.

SEC. 503. PRIORITY TO CERTAIN VESSELS IN POST-INCI- DENT RESUMPTION OF TRADE.

Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after “incident.” the fol-
lowing: "The plan shall provide, to the extent practicable,
preference in the reestablishment of the flow of cargo
through United States ports after a transportation secu-

ity incident to—

"(i) vessels that have a vessel security plan
approved under subsection (e); and

"(ii) vessels manned by individuals who are
described in section 70105(b)(2)(B) and who
have undergone a background records check
under section 70105(d) or who hold transpor-
tation security cards issued under section
70105."

SEC. 504. ASSISTANCE FOR FOREIGN PORTS.

(a) In General.—Section 70109 of title 46, United
States Code, is amended—

(1) by adding at the end the following:

"(e) Foreign Assistance Programs.—

"(1) In General.—The Administrator of the
Maritime Administration, in coordination with the
Secretary of State and the Secretary of Energy,
shall identify foreign assistance programs that could
facilitate implementation of port security
antiterrorism measures in foreign countries. The Ad-
ministrator and the Secretary shall establish a pro-
gram to utilize those programs that are capable of
implementing port security antiterrorism measures
at ports in foreign countries that the Secretary
finds, under section 70108, to lack effective
antiterrorism measures.
````(2) CARIBBEAN BASIN.—The Administrator,
in coordination with the Secretary of State and in
consultation with the Organization of American
States, shall place particular emphasis on utilizing
programs to facilitate the implementation of port se-
curity antiterrorism measures at the ports located in
the Caribbean Basin, as such ports pose unique se-
curity and safety threats to the United States due
to—
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portation and Infrastructure of the House of Representa-
tives a report on the security of ports in the Caribbean
Basin. The report shall include the following:

(1) An assessment of the effectiveness of the
measures employed to improve security at ports in
the Caribbean Basin and recommendations for any
additional measures to improve such security.

(2) An estimate of the number of ports in the
Caribbean Basin that will not be secured by January
1, 2006; and an estimate of the financial impact in
the United States of any action taken pursuant to
section 70110 of title 46, United States Code, that
affects trade between such ports and the United
States.

(3) An assessment of the additional resources
and program changes that are necessary to maxi-
mize security at ports in the Caribbean Basin.

SEC. 505. IMPROVED DATA USED FOR TARGETED CARGO
SEARCHES.

(a) In general.—In order to provide the best pos-
sible data for the automated target system that identifies
high-risk cargo for inspection, the Secretary of Homeland
Security shall require importers shipping goods to the
United State via cargo container to supply entry data
under the advance notification requirements under section 4.7 of the Customs Regulations (19 C.F.R. 4.7).

(b) DEADLINE.—The requirement imposed under subsection (a) shall apply to goods entered after December 31, 2006.

c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $5,000,000 for each of fiscal years 2006, 2007, and 2008 to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection. The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

d) EVALUATION BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General shall evaluate action taken by the Department of Homeland Security to address the deficiencies in its automated targeting system strategy identified in the Government Accountability Office’s report entitled “Homeland Security Challenges Remain in the Targeting of Oceangoing Cargo Containers for Inspection” (GAO-04-352NI). In making the evaluation, the Comptroller General shall assess whether all key elements of a risk management framework
and recognized modeling practices have been incorporated in the Department’s strategy, including—

(A) threat, criticality, vulnerability, and risk assessments;

(B) external peer review of the automated targeting system;

(C) a mandatory random sampling program;

(D) simulated events to test the targeting strategy; and

(E) effectiveness reviews of risk mitigation actions.

(2) REPORT.—The Comptroller General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act containing the results of the evaluation, together with any recommendations the Comptroller General deems appropriate.

SEC. 506. INCREASE IN NUMBER OF CUSTOMS INSPECTORS ASSIGNED OVERSEAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall substantially increase the number of United States Customs Service inspectors assigned to duty out-
side the United States under the Container Security Initiative of the United States Customs Service with responsibility for inspecting intermodal shipping containers being shipped to the United States.

(b) STAFFING CRITERIA.—In carrying out subsection (a) the Secretary of Homeland Security shall determine the appropriate level for assignment and density of customs inspectors at selected international port facilities by a threat, vulnerability, and risk analysis which, at a minimum, considers—

(1) the volume of containers shipped;

(2) the ability of the host government to assist in both manning and providing equipment and resources;

(3) terrorist intelligence known of importer vendors, suppliers or manufactures; and

(4) other criteria as determined in consult with experts in the shipping industry, terrorism, and shipping container security.

(c) MINIMUM NUMBER.—The total number of customs inspectors assigned to international port facilities shall not be less than the number determined as a result of the threat, vulnerability, and risk assessment analysis which is validated by the Administrator of the Transpor-
tation Security Administration within 180 days after the
date of enactment of this Act.

(d) PLAN.—The Secretary shall submit a plan to the
Senate Committee on Commerce, Science, and Transpor-
tation and the House of Representatives Committee on
Transportation and Infrastructure, with timelines, for
phasing inspectors into selected port facilities within 180
days after the enactment of this Act.

SEC. 507. RANDOM INSPECTION OF CONTAINERS.

(a) IN GENERAL.—The Under Secretary of Home-
land Security for Border and Transportation Security
shall develop and implement a plan for random inspection
of shipping containers in addition to any targeted or pre-
shipment inspection of such containers required by law or
regulation or conducted under any other program con-
ducted by the Under Secretary:

(b) CIVIL PENALTY FOR ERRONEOUS MANIFEST.—

(1) IN GENERAL.—Except as provided in para-
graph (2), if the Under Secretary determines on the
basis of an inspection conducted under subsection
(a) that there is a discrepancy between the contents
of a shipping container and the manifest for that
container, the Under Secretary may impose a civil
penalty.
(2) MANIFEST DISCREPANCY REPORTING.—The Under Secretary may not impose a civil penalty under paragraph (1) if a manifest discrepancy report is filed with respect to the discrepancy within the time limits established by Customs Directive No. 3240–067A (or any subsequently issued directive governing the matters therein) for filing a manifest discrepancy report.

SEC. 508. CARGO SECURITY.

(a) In General.—Chapter 701 of title 46, United States Code, is amended—

(1) by redesignating the second section 70118 (relating to firearms, arrests, and seizure of property), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (relating to enforcement by State and local officers), as added by section 801(a) of the Coast Guard and Maritime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119 (relating to civil penalty), as redesignated by section 802(a)(1) of the Coast Guard and Maritime Transportation Act of 2004, as section 70122; and
(4) by inserting after section 70120 the following:

§ 70121. Container security initiative

(a) In general.—Pursuant to the standards established under subsection (b)(1) of section 70116—

(1) the Secretary of Homeland Security shall promulgate standards and procedures for—

(A) the inspection of cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means; and

(B) evaluating and screening cargo prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

(2) the Commissioner of Customs and Border Protection shall—

(A) execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under paragraph (1) are implemented in an effective manner; and

(B) in consultation with the Transportation Security Oversight Board, develop and maintain an antiterrorism cargo identification,
tracking, and screening system for container-
ized cargo shipped to and from the United
States, either directly or via a foreign port.

"(b) Authorization of Appropriations.—There
are authorized to be appropriated to the Secretary of
Homeland Security such sums as may be necessary to
carry out this section.”

(b) Conforming Amendments.—

(1) The chapter analysis for chapter 701 of title
46, United States Code, is amended by striking the
items following the item relating to section 70116
and inserting the following:

70117. In rem liability for civil penalties and certain costs
70118. Withholding of clearance
70119. Firearms, arrests, and seizure of property
70120. Enforcement by State and local officers
70121. Container security initiative
70122. Civil penalty"

(2) Section 70117(a) of title 46, United States
Code, as redesignated by subsection (a)(3) of this
section, is amended by striking “section 70120” and
inserting “section 70122”.

(3) Section 70118(a) of such title is amended
by striking “under section 70120,” and inserting
“under that section,”.

(4) Section 111 of the Maritime Transportation
Security Act of 2002 is repealed.
SEC. 509. SECURE SYSTEMS OF INTERNATIONAL INTER-

MODAL TRANSPORTATION.

(a) In General.—Section 70116(a) of title 46, United States Code, is amended—

(1) by striking “transportation.” and inserting “transportation—

“(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded for international shipment until they reach their ultimate destination; and

“(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.”.

(b) Program Enhancements.—Section 70116(b) of title 46, United States Code, is amended to read as follows:

“(b) Program Elements.—In establishing and conducting the program under subsection (a) the Assistant Secretary shall—

“(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified,
(2) establish standards and procedures for securing cargo and monitoring that security while in transit from the point at which it is loaded to the point at which it is finally unloaded;

(3) develop performance standards to enhance the physical security of shipping containers, including performance standards for seals and locks as part of the container security initiative;

(4) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

(5) incorporate any other measures the Assistant Secretary considers necessary to ensure the security and integrity of international intermodal transport movements."

(c) Port Security User Fee Study.—The Secretary of Homeland Security shall conduct a study of the feasibility and desirability of establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. The Assistant Secretary shall submit a report containing the Assistant Secretary’s findings, conclusions, and recommendations (i-
including legislative recommendations if appropriate) to the
Senate Committee on Commerce, Science, and Transpor-
tation and the House of Representatives Committee on
Transportation and Infrastructure within 1 year after
date of enactment of this Act.

SEC. 510. TECHNOLOGY FOR MARITIME TRANSPORTATION
SECURITY.

(a) Minimum Technology Implementation Au-
thorization.—Section 70107(i)(2)(B) of title 46, United
States Code, is amended by inserting “not less than” after
“Secretary”.

(b) Set-Asides for Research and Development.—Notwithstanding any provision of law to the con-
trary, in the administration of the Department of Home-
land Security, the Secretary of Homeland Security shall
ensure that, for each fiscal year beginning after the date
of enactment of this Act, not less than—

(1) 8 percent of the amounts appropriated to
the Transportation Security Administration and the
Directorate of Science and Technology for research
and development for the fiscal year are obligated or
expended for maritime security related projects or
programs; and
(2) 2 percent of such amounts are obligated or
expendied for rail security related projects or pro-
grams:

(e) STRATEGIC PLAN.—

(1) IN GENERAL.—Within 90 days after the
date of enactment of this Act, the Secretary of
Homeland Security shall promulgate a strategie plan
for transportation research and development. The
Secretary shall update the plan no less frequently
than every 2 years thereafter.

(2) CONTENTS.—In the strategic plan, the Sec-
retary shall—

(A) ensure that the research needs for se-
curity of all modes of transportation, including
aviation, maritime, rail, pipeline, and transit se-
curity, are addressed;

(B) identify goals and include measurable
objectives;

(C) include an adequate amount of basic
research;

(D) define the research and development
roles of the Transportation Security Adminis-
tration and the Directorate of Science and
Technology, respectively, to ensure that—

(i) they are aligned;
(ii) the efficient use of research funds is maximized; and

(iii) duplication of projects is prevented or minimized;

(E) coordinate transportation research and development under the plan with the transportation research and development activities of other Federal agencies, including the Department of Transportation and the National Aeronautics and Space Administration; and

(F) base the plan on vulnerability and criticality assessments.

(3) ANNUAL EVALUATION.—The Homeland Security Science and Technology Advisory Committee shall evaluate the plan by October 15th each year, measure progress under the plan against the goals set forth in the plan, and recommend changes to the transportation security research program under the plan.

(4) ANNUAL REPORT TO CONGRESS.—The Secretary shall transmit a copy of the strategic plan, and any revisions of that plan, and a copy of the annual evaluations and recommendations made by the Advisory Committee to the Congress.
(d) NIST Transportation Security Program—

The Secretary of Homeland Security may transfer up to $15,000,000 each fiscal year to the National Institute of Science and Technology to be obligated or expended for a focused program in transportation security under section 28 of the National Institute of Science and Technology Act (15 U.S.C. 278n).

(e) Secure Workforce Initiative.—Section 70107 of title 46, United States Code, is amended by adding at the end the following:

“(j) Secure Workforce Initiative.—

“(1) In General.—The Secretary shall develop a program in conjunction with technical and community colleges to train port security workforces. The program shall focus on teaching port workers to utilize new technologies and processes to improve port security through the use of screening technologies, information technologies, detection devices, incident response training, and other advanced technologies.

“(2) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security $15,000,000 for each of fiscal years 2005 through 2009 to carry out the program developed under paragraph (1).”
(f) Establishment of Competitive Research Program—

(1) In general.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

"Sec. 314. Competitive Research Program.

"(a) In General.—

"(1) Establishment.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a competitive research program within the Directorate.

"(2) Director.—The program shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

"(3) Duties of Director.—In the administration of the program, the Director shall—

"(A) establish a cofunding mechanism for States with academic facilities that have not fully developed security-related science and technology to support burgeoning research efforts by the faculty or link them to established investigators;

"(B) provide for conferences, workshops, outreach, and technical assistance to research-
ers and institutions of higher education in States on topics related to developing science and technology expertise in areas of high interest and relevance to the Department;

"(C) monitor the efforts of States to develop programs that support the Department’s mission;

"(D) implement a merit review program, consistent with program objectives, to ensure the quality of research conducted with Program funding; and

"(E) provide annual reports on the progress and achievements of the Program to the Secretary.

"(b) Assistance Under the Program—

"(1) Scope.—The Director shall provide assistance under the program for research and development projects that are related to, or qualify as, homeland security research (as defined in section 307(a)(2)) under the program.

"(2) Form of Assistance.—Assistance under the program can take the form of grants, contracts, or cooperative arrangements.

"(3) Applications.—Applicants shall submit proposals or applications in such form, at such
times, and containing such information as the Director may require.

"(c) IMPLEMENTATION.—

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

"(2) SUBSEQUENT FISCAL YEARS.—

"(A) IN GENERAL.—Beginning with the 4th fiscal year after the date of enactment of this Act, the Director shall rank order the States (excluding any noncontiguous State (as defined in section 2(14)) other than Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands) in descending order in terms of the average amount of funds received by institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in each
State that received financial assistance in the form of grants, contracts, or cooperative arrangements under this title during each of the preceding 3 fiscal years.

"(B) ALLOCATION.—Beginning with the 4th fiscal year after the date of enactment of this Act, assistance under the program for any fiscal year is limited to institutions of higher education located in States in the lowest third of those ranked under subparagraph (A) for that fiscal year.

"(C) DETERMINATION OF LOCATION.—For purposes of this paragraph, an institution of higher education shall be considered to be located in the State in which its home campus is located, except that assistance provided under the program to a division, institute, or other facility located in another State for use in that State shall be considered to have been provided to an institution of higher education located in that other State.

"(D) MULTIYEAR ASSISTANCE.—For purposes of this paragraph, assistance under the program that is provided on a multi-year basis
shall be counted as provided in each such year in the amount so provided for that year.

"(d) FUNDING.—The Secretary shall ensure that no less than 5 percent of the amount appropriated for each fiscal year to the Acceleration Fund for Research and Development of Homeland Security Technologies established by section 307(c)(1) is allocated to the program established by subsection (a)."

(2) CONFORMING AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 313 the following:

"Sec. 314. Competitive research program."

SEC. 511. DEADLINE FOR TRANSPORTATION SECURITY CARDS.

The Secretary shall issue a final rule under section 70105 of title 46, United States Code, no later than January 1, 2006.

SEC. 512. EVALUATION AND REPORT.

Within 90 days after the date of enactment of this Act the Secretary of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure con-
(1) an evaluation of the Operation Safe Commerce program and the Customs-Trade Partnership Against Terrorism program;

(2) a report on the establishment and implementation of performance standards for oceanborne and intermodal cargo seals and locks under section 70116(b) of title 46, United States Code;

(3) a report on progress made and current operational practices for monitoring oceanborne cargo through the entire supply chain;

(4) recommendations as to how the practices, programs, and procedures can be further integrated into a wider screening network for oceanborne cargo that can be applied on an international basis;

(5) recommendations as to how inspection and screening procedures developed for oceanborne cargo might be adapted for application to the shipment of domestically-produced cargo within the United States;

(6) a status report on progress in preparing the plan for implementing secure systems of transportation required by section 809(c) of the Coast Guard and Maritime Transportation Act of 2004 (Pub. L. 108–293; 118 Stat. 1086);
(7) a report on the security of noncontainerized cargo including roll-on roll-off cargo, break bulk cargo, and liquid and dry bulk cargo; and

(8) a report on whether the increased use of waterborne transportation in the domestic movement of hazardous materials would be an effective and efficient means to enhance the safety of hazardous material shipments.

SEC. 513. PORT SECURITY GRANTS.

(a) Basis for Grants.—Section 70107(a) of title 46, United States Code, is amended by striking “for making a fair and equitable allocation of funds” and inserting “based on risk and vulnerability”.

(b) Letters of Intent.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

“(5) Letters of Intent.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.”.

SEC. 514. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after “area.” the following: “In this paragraph, the term ‘economic disruption’ does not include a work stoppage or
other nonviolent employee-related action resulting from an employee-employer dispute.”.

SEC. 515. APPEAL OF DENIAL OF WAIVER FOR TRANSPORTATION SECURITY CARD.

Section 70105(c)(3) of title 46, United States Code, is amended by inserting “or a waiver under paragraph (2)” after “card”.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Transportation Security Improvement Act of 2005”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Transportation Security Administration authorization.
Sec. 102. Department of Transportation authorization.
Sec. 103. Technology for transportation security.
Sec. 104. Reorganizations.
Sec. 105. TSA acquisition management policy.

TITLE II—IMPROVED AVIATION SECURITY

Sec. 201. Post-fiscal year 2006 air carrier security fees.
Sec. 203. Employee retention internship program.
Sec. 204. Repair station security.

TITLE III—IMPROVED RAIL SECURITY

Sec. 301. Short title.
Sec. 302. Rail transportation security risk assessment.
Sec. 303. Systemwide AMTRAK security upgrades.
Sec. 304. Fire and life-safety improvements.
Sec. 305. Freight and passenger rail security upgrades.
Sec. 306. Rail security research and development.
Sec. 307. Oversight and grant procedures.
Sec. 308. AMTRAK plan to assist families of passengers involved in rail passenger accidents.
Sec. 309. Northern border rail passenger report.
Sec. 310. Rail worker security training program.
Sec. 311. Whistleblower protection program.
Sec. 312. High hazard material security threat mitigation plans.
Sec. 313. Memorandum of agreement.
Sec. 314. Rail security enhancements.
Sec. 315. Public awareness.
Sec. 316. Railroad high hazard material tracking.

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

Sec. 401. Written plans for hazardous materials highway routing.
Sec. 402. Motor carrier high hazard material tracking.
Sec. 403. Truck leasing security training guidelines.
Sec. 404. Hazardous materials security inspections and enforcement.
Sec. 405. Truck security assessment.
Sec. 406. Pipeline security and incident recovery plan.
Sec. 407. Pipeline security inspections and enforcement.
Sec. 408. Memorandum of agreement.
Sec. 409. National public sector response system.
Sec. 410. Over-the-road bus security assistance.

**TITLE V—IMPROVED MARITIME SECURITY**

Sec. 501. Establishment of additional interagency operational centers for port security.
Sec. 502. Area maritime transportation security plan to include salvage response plan.
Sec. 503. Post-incident resumption of trade.
Sec. 504. Assistance for foreign ports.
Sec. 505. Improved data for targeted cargo searches.
Sec. 506. Technical requirements for non-intrusive inspection equipment.
Sec. 507. Random inspection of containers.
Sec. 508. Cargo security.
Sec. 509. Secure systems of international intermodal transportation.
Sec. 510. Port security user fee study.
Sec. 511. Deadline for transportation security cards.
Sec. 512. Port security grants.
Sec. 513. Customs-Trade Partnership Against Terrorism security validation program.
Sec. 514. Work stoppages and employee-employer disputes.
Sec. 515. Appeal of denial of waiver for transportation security card.
Sec. 516. Inspection of car ferries entering from Canada.

**TITLE I—AUTHORIZATIONS**

SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.

Section 114 of title 49, United States Code, is amended by adding at the end thereof the following:
“(u) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security—

“(1) for Aviation Security—

“(A) $5,000,000,000 for fiscal year 2007;

“(B) $5,250,000,000 for fiscal year 2008;

and

“(C) $5,500,000,000 for fiscal year 2009;

“(2) for Surface Transportation Security—

“(A) $265,000,000 for fiscal year 2007;

“(B) $228,000,000 for fiscal year 2008; and

“(C) $230,000,000 for fiscal year 2009;

“(3) for Intelligence—

“(A) $30,000,000 for fiscal year 2007;

“(B) $32,000,000 for fiscal year 2008; and

“(C) $34,000,000 for fiscal year 2009;

“(4) for Research and Development—

“(A) $65,000,000 for fiscal year 2007;

“(B) $67,000,000 for fiscal year 2008; and

“(C) $69,000,000 for fiscal year 2009; and

“(5) for Administration—

“(A) $530,000,000 for fiscal year 2007;

“(B) $535,000,000 for fiscal year 2008;

and

“(C) $540,000,000 for fiscal year 2009.”.
SEC. 102. DEPARTMENT OF TRANSPORTATION AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Transportation to carry out title III of this Act and sections 20118 and 24316 of title 49, United States Code, as added by title III of this Act—

(1) $225,000,000 for fiscal year 2007;
(2) $223,000,000 for fiscal year 2008; and
(3) $223,000,000 for fiscal year 2009.

SEC. 103. TECHNOLOGY FOR TRANSPORTATION SECURITY.

(a) Minimum Technology Implementation Authorization.—Section 70107(i)(2)(B) of title 46, United States Code, is amended by inserting “not less than” after “Secretary”.

(b) Set-Asides for Research and Development.—Notwithstanding any provision of law to the contrary, in the administration of the Department of Homeland Security, the Secretary of Homeland Security shall ensure that, for each fiscal year beginning after the date of enactment of this Act, not less than—

(1) 8 percent of the amounts appropriated to the Transportation Security Administration and the Directorate of Science and Technology for research and development for the fiscal year are obligated or expended for maritime security related projects or programs, including ferry systems;
(2) 2 percent of such amounts are obligated or expended for rail security related projects or programs.

(c) Strategic Plan.—

(1) In general.—Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall promulgate a strategic plan for transportation research and development. The Secretary shall update the plan no less frequently than every 2 years thereafter.

(2) Contents.—In the strategic plan, the Secretary shall—

(A) ensure that the research needs for security of all modes of transportation, including aviation, maritime, rail, pipeline, and transit security, are addressed;

(B) identify goals and include measurable objectives;

(C) include an adequate amount of basic research;

(D) define the research and development roles of the Transportation Security Administration and the Directorate of Science and Technology, respectively, to ensure that—

(i) they are aligned;
(ii) the efficient use of research funds is maximized; and

(iii) duplication of projects is prevented or minimized;

(E) coordinate transportation research and development under the plan with the transportation research and development, including interoperable communications, activities of other Federal agencies, including the Department of Transportation and the National Aeronautics and Space Administration; and

(F) base the plan on vulnerability and criticality assessments.

(3) ANNUAL EVALUATION.—The Homeland Security Science and Technology Advisory Committee shall evaluate the plan by October 15th each year, measure progress under the plan against the goals set forth in the plan, and recommend changes to the transportation security research program under the plan.

(4) ANNUAL REPORT TO CONGRESS.—The Secretary shall transmit a copy of the strategic plan, and any revisions of that plan, and a copy of the annual evaluations and recommendations made by the Advisory Committee to the Congress.
(d) NIST Transportation Security Program.—
The Secretary of Homeland Security may transfer up to $15,000,000 each fiscal year to the National Institute of Science and Technology to be obligated or expended for a focused program in transportation security under section 28 of the National Institute of Science and Technology Act (15 U.S.C. 278n).

(e) Establishment of Competitive Research Program.—

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

“SEC. 314. COMPETITIVE RESEARCH PROGRAM.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Science and Technology, shall establish a competitive research program within the Directorate.

“(2) DIRECTOR.—The program shall be headed by a Director, who shall be appointed by the Secretary. The Director shall report to the Under Secretary.

“(3) DUTIES OF DIRECTOR.—In the administration of the program, the Director shall—
“(A) establish a cofunding mechanism for States with academic facilities that have not fully developed security-related science and technology to support burgeoning research efforts by the faculty or link them to established investigators;

“(B) provide for conferences, workshops, outreach, and technical assistance to researchers and institutions of higher education in States on topics related to developing science and technology expertise in areas of high interest and relevance to the Department;

“(C) monitor the efforts of States to develop programs that support the Department’s mission;

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

“(E) provide annual reports on the progress and achievements of the Program to the Secretary.

“(b) ASSISTANCE UNDER THE PROGRAM.—

“(1) SCOPE.—The Director shall provide assistance under the program for research and development
projects that are related to, or qualify as, homeland security research (as defined in section 307(a)(2)) under the program.

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

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

“(c) IMPLEMENTATION.—

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

“(2) SUBSEQUENT FISCAL YEARS.—

“(A) IN GENERAL.—Beginning with the 4th fiscal year after the date of enactment of this Act, the Director shall rank order the States (ex-
cluding any noncontiguous State (as defined in section 2(14)) other than Alaska, Hawaii, the Commonwealth of Puerto Rico, and the Virgin Islands) in descending order in terms of the average amount of funds received by institutions of higher education (as that term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in each State that received financial assistance in the form of grants, contracts, or cooperative arrangements under this title during each of the preceding 3 fiscal years.

“(B) ALLOCATION.—Beginning with the 4th fiscal year after the date of enactment of this Act, assistance under the program for any fiscal year is limited to institutions of higher education located in States in the lowest third of those ranked under subparagraph (A) for that fiscal year.

“(C) DETERMINATION OF LOCATION.—For purposes of this paragraph, an institution of higher education shall be considered to be located in the State in which its home campus is located, except that assistance provided under the program to a division, institute, or other facility located in another State for use in that State
shall be considered to have been provided to an
institution of higher education located in that
other State.

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

“(d) Funding.—The Secretary shall ensure that no
less than 5 percent of the amount appropriated for each
fiscal year to the Acceleration Fund for Research and Devel-
opment of Homeland Security Technologies established by
section 307(c)(1) is allocated to the program established by
subsection (a).”.

(2) Conforming amendment.—The table of
contents of the Homeland Security Act of 2002 is
amended by inserting after the item relating to sec-
tion 313 the following:

“Sec. 314. Competitive research program.”.

SEC. 104. REORGANIZATIONS.

The Secretary of Homeland Security shall notify the
Senate Committee on Commerce, Science, and Transpor-
tation, the Senate Committee on Homeland Security and
Governmental Affairs, and the House of Representatives
Committee on Homeland Security in writing not less than
15 days before—
(1) reorganizing or renaming offices;
(2) reorganizing programs or activities; or
(3) contracting out or privatizing any functions or activities presently performed by Federal employees.

SEC. 105. TSA ACQUISITION MANAGEMENT POLICY.
(a) In General.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) Effective Date.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

TITLE II—IMPROVED AVIATION SECURITY

SEC. 201. POST-FISCAL YEAR 2006 AIR CARRIER SECURITY FEES.
Section 44940(a)(2) of title 49, United States Code, is amended by adding at the end the following:

“(D) Fiscal Years 2007 and Later.—The Assistant Secretary may not increase the aviation security infrastructure fee authorized by subparagraph (A), or impose any additional fees under that subparagraph, after September 30, 2006, unless—
“(i) the fee or increase is imposed by rule promulgated by the Assistant Secretary; and

“(ii) not less than 60 days before its proposed effective date, the Assistant Secretary submits the rule to—

“(I) the Senate Committee on Commerce, Science, and Transportation;

“(II) the Senate Committee on Appropriations;

“(III) the House of Representatives Committee on Transportation and Infrastructure;

“(IV) the House of Representatives Committee on Homeland Security; and

“(V) the House of Representatives Committee on Appropriations.

“(E) APPLICATION OF CHAPTER 8 OF TITLE 5.—Chapter 8 of title 5 applies to any rule promulgated by the Assistant Secretary imposing a fee or increasing fees under subparagraph (A) after September 30, 2006.”
SEC. 202. ALTERNATIVE COLLECTION METHODS FOR PASSENGER SECURITY FEE.

(a) IN GENERAL.—

(1) STUDY.—The Assistant Secretary of Homeland Security (Transportation Security Administration) shall study the feasibility of collecting the passenger security service fee authorized by section 44940(a) of title 49, United States Code, directly from passengers at, or before they reach, the airport through a system developed or approved by the Assistant Secretary, including the use of vending kiosks, other automated vending devices, the Internet, or other remote vending sites.

(2) SOLICITATION OF PROPOSALS.—In carrying out this subsection the Assistant Secretary shall solicit proposals for such alternative collection mechanisms.

(3) DEVELOPMENT OF ALTERNATIVES.—Based on the study conducted under paragraph (1) and an evaluation of proposals submitted pursuant to the solicitation under paragraph (2), the Assistant Secretary shall develop such alternative collection systems as the Assistant Secretary determines to be feasible, including schedules and methods to ensure the efficiency of such systems.

(b) REPORT.—The Assistant Secretary shall report the results of the study, together with any recommendations the
Assistant Secretary deems appropriate, to the Congress within 6 months after the date of enactment of this Act.

(c) DEMONSTRATION PROJECTS.—If the Assistant Secretary determines that a system of direct collection of such fees from passengers at airports is feasible, the Assistant Secretary shall conduct demonstration projects at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) within 1 year after submitting the report required by subsection (b) to the Congress.

SEC. 203. EMPLOYEE RETENTION INTERNSHIP PROGRAM.

The Assistant Secretary of Homeland Security (Transportation Security Administration), shall establish a pilot program at a small hub airport, a medium hub airport, and a large hub airport (as those terms are defined in paragraphs (42), (31), and (29), respectively, of section 40102 of title 49, United States Code) for training students to perform screening of passengers and property under section 44901 of title 49, United States Code. The program shall be an internship for pre-employment training of final-year students from public and private secondary schools located in nearby communities. Under the program, participants—

(1) shall be compensated for training and services time while participating in the program, and
(2) shall be required to agree, as a condition of
participation in the program, to accept employment
as a screener upon successful completion of the intern-
ship and upon graduation from the secondary school.

SEC. 204. REPAIR STATION SECURITY.

(a) Certification of Foreign Repair Stations
Suspension.—If the regulations required by section
44924(f) of title 49, United States Code, are not issued
within 90 days after the date of enactment of this Act, the
Administrator of the Federal Aviation Administration may
not certify any foreign repair station under part 145 of
title 14, Code of Federal Regulations after such 90th day.

(b) 6-Month Deadline for Security Review and
Audit.—Subsections (a) and (d) of section 44924 of title
49, United States Code, are each amended by striking “18
months” and inserting “6 months”.

TITLE III—IMPROVED RAIL
SECURITY

SEC. 301. SHORT TITLE.

This title may be cited as the “Rail Security Act of
2005”.

SEC. 302. RAIL TRANSPORTATION SECURITY RISK ASSESS-
MENT.

(a) In General.—
(1) VULNERABILITY AND RISK ASSESSMENT.—

The Secretary of Homeland Security shall establish a
task force, including the Transportation Security Ad-
ministration, the Department of Transportation, and
other appropriate agencies, to complete a vulner-
ability and risk assessment of freight and passenger
rail transportation (encompassing railroads, as that
term is defined in section 20102(1) of title 49, United
States Code). The assessment shall include—

(A) a methodology for conducting the risk
assessment, including timelines, that addresses
how the Department of Homeland Security will
work with the entities describe in subsection (b)
and make use of existing Federal expertise with-
in the Department of Homeland Security, the
Department of Transportation, and other appro-
priate agencies;

(B) identification and evaluation of critical
assets and infrastructures;

(C) identification of vulnerabilities and
risks to those assets and infrastructures;

(D) identification of vulnerabilities and
risks that are specific to the transportation of
hazardous materials via railroad;
(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment; and

(F) an account of actions taken or planned by both public and private entities to address identified rail security issues and assess the effective integration of such actions.

(2) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;
(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or rail- road shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

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

(3) PLANS.—The report required by subsection (c) shall include—

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

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in con- junction with freight and intercity and com-
mover passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) Consultation; Use of Existing Resources.—

In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) Report.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and
Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

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

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2007.

SEC. 303. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the As-
sistant Secretary of Homeland Security (Transportation Security Administration), is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts;

and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.
(c) *Equitable Geographic Allocation.*—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak’s entire system and consistent with the risk assessment required under section 302, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) *Availability of Funds.*—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration) to carry out this section—

- (1) $63,500,000 for fiscal year 2007;
- (2) $30,000,000 for fiscal year 2008; and
- (3) $30,000,000 for fiscal year 2009.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 304. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) *Life-Safety Needs.*—The Secretary of Transportation, in consultation with the Secretary of Homeland Security, is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.
(b) Authorization of Appropriations.—Out of funds appropriated pursuant to section 102 of this Act, there shall be made available to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2007;

(B) $190,000,000 for fiscal year 2008; and

(C) $190,000,000 for fiscal year 2009.

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

(A) $19,000,000 for fiscal year 2007;

(B) $19,000,000 for fiscal year 2008; and

(C) $19,000,000 for fiscal year 2009.

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2007;

(B) $13,333,000 for fiscal year 2008; and
(C) $13,333,000 for fiscal year 2009.

(e) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 102 of this Act, there shall be made available to the Secretary of Transportation for fiscal year 2007 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

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

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.
(f) **Review of Plans.**—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary’s notification, submit a modified plan for the Secretary’s review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.
(g) Financial Contribution From Other Tunnel Users.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

Sec. 305. Freight and Passenger Rail Security Upgrades.

(a) Security Improvement Grants.—The Secretary of Homeland Security, through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for rail passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak,
for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security vulnerabilities and risks identified under section 302, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of rail cargo or passenger screening equipment at the United States-Mexico border, the United States-Canada border, or other ports of entry;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;
(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 302, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this Act and the priorities and other criteria developed by the Secretary.

(c) ALLOCATION.—The Secretary shall distribute the funds authorized by this section based on risk and vulnerability as determined under section 302, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for intercity passenger rail security, the Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) un-
less Amtrak meets the conditions set forth in section 303(b) of this Act.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 302 the Secretary of Homeland Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

1. in excess of $45,000,000 to Amtrak; or
2. in excess of $80,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

1. $100,000,000 for fiscal year 2007;
2. $100,000,000 for fiscal year 2008; and
3. $100,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term “high hazard materials” means quantities of poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia that the Sec-
retary, in consultation with the Secretary of Transpor-
tation, determines pose a security risk.

SEC. 306. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) Establishment of Research and Development Program.—The Secretary of Homeland Security, through the Under Secretary for Science and Technology and the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Secretary of Transportation shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may in-
clude research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls;

and

(D) emergency response training;
(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car or other rail car used to transport hazardous materials and transmit information about the integrity of cars to the train crew or dispatcher;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 305(g) of this Act; and

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety; and

(6) other projects that address vulnerabilities and risks identified under section 302.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary of Homeland Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department of Homeland Security and the Department of Transportation. The Secretary shall carry out any research and development project authorized
by this section through a reimbursable agreement with the Secretary of Transportation, if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) GRANTS AND ACCOUNTABILITY.—To carry out the research and development program, the Secretary may award grants to the entities described in section 305(a) and shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this Act and the priorities and other criteria developed by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—Out of funds appropriated pursuant to section 114(u)(4) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $35,000,000 for fiscal year 2007;

(2) $35,000,000 for fiscal year 2008; and

(3) $35,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.
SEC. 307. OVERSIGHT AND GRANT PROCEDURES.

(a) Secretarial Oversight.—The Secretary of Homeland Security may use up to 0.5 percent of amounts made available for capital projects under the Rail Security Act of 2005 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) Use of Funds.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts to audit and review the safety, procurement, management, and financial compliance of a recipient of amounts under this Act.

(c) Procedures for Grant Award.—The Secretary shall, within 90 days after the date of enactment of this Act, prescribe procedures and schedules for the awarding of grants under this Act, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107 of title 46, United States Code.
SEC. 308. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“§24316. Plans to address needs of families of passengers involved in rail passenger accidents

“(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2005, Amtrak shall submit to the Chairman of the National Transportation Safety Board, the Secretary of Transportation, and the Secretary of Homeland Security a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

“(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

“(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will peri-
odically update the list. The plan shall include a pro-
procedure, with respect to unreserved trains and pas-
sengers not holding reservations on other trains, for
Amtrak to use reasonable efforts to ascertain the num-
ber and names of passengers aboard a train involved
in an accident.

“(2) A plan for creating and publicizing a reli-
able, toll-free telephone number within 4 hours after
such an accident occurs, and for providing staff, to
handle calls from the families of the passengers.

“(3) A process for notifying the families of the
passengers, before providing any public notice of the
names of the passengers, by suitably trained individ-
uals.

“(4) A process for providing the notice described
in paragraph (2) to the family of a passenger as soon
as Amtrak has verified that the passenger was aboard
the train (whether or not the names of all of the pas-
sengers have been verified).

“(5) A process by which the family of each pas-
senger will be consulted about the disposition of all
remains and personal effects of the passenger within
Amtrak’s control; that any possession of the passenger
within Amtrak’s control will be returned to the family
unless the possession is needed for the accident inves-
tigation or any criminal investigation; and that any brink possession of a passenger within Amtrak’s control will be retained by the rail passenger carrier for at least 18 months.

“(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

“(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release any personal information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

“(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak’s conduct.
“(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

“(f) FUNDING.—Out of funds appropriated pursuant to section 102 of the Rail Security Act of 2005, there shall be made available to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2007 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“24316. Plan to assist families of passengers involved in rail passenger accidents.”.

SEC. 309. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), the Secretary of Transportation, heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and
Infrastructure, and the House of Representatives Committee on Homeland Security that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in “The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America”, dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the “Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States”, dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;
(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.

SEC. 310. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program to prepare front-line
workers for potential threat conditions. The guidance shall take into consideration any current security training requirements or best practices.

(b) Program Elements.—The guidance developed under subsection (a) shall include elements, as appropriate to passenger and freight rail service, that address the following:

(1) Determination of the seriousness of any occurrence.

(2) Crew communication and coordination.

(3) Appropriate responses to defend or protect oneself.

(4) Use of protective devices.

(5) Evacuation procedures.

(6) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(7) Situational training exercises regarding various threat conditions.

(8) Any other subject the Secretary considers appropriate.

(c) Railroad Carrier Programs.—Not later than 90 days after the Secretary of Homeland Security issues guidance under subsection (a) in final form, each railroad carrier shall develop a rail worker security training program in accordance with that guidance and submit it to
the Secretary for review. Not later than 30 days after receiving a railroad carrier’s program under this subsection, the Secretary shall review the program and transmit comments to the railroad carrier concerning any revisions the Secretary considers necessary for the program to meet the guidance requirements. A railroad carrier shall respond to the Secretary’s comments within 30 days after receiving them.

(d) Training.—Not later than 1 year after the Secretary reviews the training program developed by a railroad carrier under this section, the railroad carrier shall complete the training of all front-line workers in accordance with that program. The Secretary shall review implementation of the training program of a representative sample of railroad carriers and report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the number of reviews conducted and the results. The Secretary may submit the report in both classified and redacted formats as necessary.

(e) Updates.—The Secretary shall update the training guidance issued under subsection (a) as appropriate to reflect new or different security threats. Railroad carriers shall revise their programs accordingly and provide addi-
tional training to their front-line workers within a reason-
able time after the guidance is updated.

(f) FRONT-LINE WORKERS DEFINED.—In this section, the term “front-line workers” means security personnel, dis-
patchers, train operators, other onboard employees, mainte-
nance and maintenance support personnel, bridge tenders, as well as other appropriate employees of railroad carriers, as defined by the Secretary.

(g) OTHER EMPLOYEES.—The Secretary of Homeland Security shall issue guidance and best practices for a rail shipper employee security program containing the elements listed under subsection (b) as appropriate.

SEC. 311. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20117 the following:

“§20118. Whistleblower protection for rail security matters

“(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may dis-
charge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or
the Federal Government information relating to a reasonably perceived threat, in good faith, to security; or

“(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a reasonably perceived threat, in good faith, to security; or

“(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

“(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153).

In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.
“(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

“(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

“(e) DISCLOSURE OF IDENTITY.—

“(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

“(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20117 the following:

“20118. Whistleblower protection for rail security matters.”.
SEC. 312. HIGH HAZARD MATERIAL SECURITY THREAT MITIGATION PLANS.

(a) In General.—The Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration) and the Secretary of Transportation, shall require rail carriers transporting a high hazard material, as defined in section 305(g) of this Act and of a quantity equal or exceeding the quantities of such material listed in subpart 172.800, title 49, Federal Code of Regulations, to develop a high hazard material security threat mitigation plan containing appropriate measures, including alternative routing and temporary shipment suspension options, to address assessed risks to high consequence targets. The plan, and any information submitted to the Secretary under this section shall be protected as sensitive security information under the regulations prescribed under section 114(s) of title 49, United States Code.

(b) Implementation.—A high hazard material security threat mitigation plan shall be put into effect by a rail carrier for the shipment of high hazardous materials by rail on the rail carrier’s right-of-way when the threat levels of the Homeland Security Advisory System are high or severe and specific intelligence of probable or imminent threat exists towards—
(1) a high-consequence target that is within the
catastrophic impact zone of a railroad right-of-way
used to transport high hazardous material; or
(2) rail infrastructure or operations within the
immediate vicinity of a high-consequence target.

(c) COMPLETION AND REVIEW OF PLANS.—

(1) PLANS REQUIRED.—Each rail carrier
shall—

(A) submit a list of routes used to transport
high hazard materials to the Secretary of Homeland
Security within 60 days after the date of
enactment of this Act;

(B) develop and submit a high hazard ma-
terial security threat mitigation plan to the Sec-
retary within 180 days after it receives the no-
tice of high consequence targets on such routes by
the Secretary; and

(C) submit any subsequent revisions to the
plan to the Secretary within 30 days after mak-
ing the revisions.

(2) REVIEW AND UPDATES.—The Secretary, with
assistance of the Secretary of Transportation, shall
review the plans and transmit comments to the rail-
road carrier concerning any revisions the Secretary
considers necessary. A railroad carrier shall respond
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to the Secretary’s comments within 30 days after receiving them. Each rail carrier shall update and re-submit its plan for review not less than every 2 years.

(d) DEFINITIONS.—In this section:

(1) The term “high-consequence target” means a building, buildings, infrastructure, public space, or natural resource designated by the Secretary of Homeland Security that is viable terrorist target of national significance, the attack of which could result in—

(A) catastrophic loss of life; and
(B) significantly damaged national security and defense capabilities; or
(C) national economic harm.

(2) The term “catastrophic impact zone” means the area immediately adjacent to, under, or above an active railroad right-of-way used to ship high hazard materials in which the potential release or explosion of the high hazard material being transported would likely cause—

(A) loss of life; or
(B) significant damage to property or structures.
(3) The term “rail carrier” has the meaning given that term by section 10102(5) of title 49, United States Code.

SEC. 313. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Similar to the public transportation security annex between the two departments signed on September 8, 2005, within 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking “safety” the first place it appears, and inserting “safety, including security,”.

SEC. 314. RAIL SECURITY ENHANCEMENTS.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—
(1) by inserting “(a) IN GENERAL.—” before “Under”; and

(2) by striking “the rail carrier” each place it appears and inserting “any rail carrier”.

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the Assistant Secretary of Homeland Security (Transportation Security Administration), shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 315. PUBLIC AWARENESS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop a national plan for public outreach and awareness. Such plan shall be designed to increase awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Such plan shall also provide outreach to railroad carriers and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve railroad secu-
rity. Not later than 9 months after the date of enactment of this Act, the Secretary of Homeland Security shall implement the plan developed under this section.

SEC. 316. RAILROAD HIGH HAZARD MATERIAL TRACKING.

(a) Wireless Communications.—

(1) In general.—In conjunction with the research and development program established under section 306 and consistent with the results of research relating to wireless tracking technologies, the Secretary of Homeland Security, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall develop a program that will encourage the equipping of rail cars transporting high hazard materials (as defined in section 305(g) of this Act) in quantities equal to or greater than the quantities specified in subpart 171.800 of title 49, Code of Federal Regulations, with wireless terrestrial or satellite communications technology that provides—

(A) car position location and tracking capabilities;

(B) notification of rail car depressurization, breach, or unsafe temperature; and

(C) notification of hazardous material release.
(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for rail car tracking at the Department of Transportation; and

(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security’s hazardous material tank rail car tracking pilot programs.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

TITLE IV—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

SEC. 401. WRITTEN PLANS FOR HAZARDOUS MATERIALS HIGHWAY ROUTING.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall require each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain a written route plan that meets
the requirements of section 397.101 of that title when trans-
porting the type and quantity of hazardous materials de-
scribed in section 385.403 of that title.

SEC. 402. MOTOR CARRIER HIGH HAZARD MATERIAL
TRACKING.

(a) WIRELESS COMMUNICATIONS—

(1) IN GENERAL.—Consistent with the findings
of the Transportation Security Administration’s
Hazmat Truck Security Pilot Program and within 6
months after the date of enactment of this Act, the
Secretary of Homeland Security, through the Trans-
portation Security Administration and in consulta-
tion with the Secretary of Transportation, shall de-
velop a program to encourage the equipping of motor
carriers transporting high hazard materials (as de-
defined in section 305(g) of this Act) in quantities equal
to or greater than the quantities specified in subpart
171.800 of title 49, Code of Federal Regulations, with
wireless communications technology that provides—

(A) continuous communications;

(B) vehicle position location and tracking
capabilities; and

(C) a feature that allows a driver of such
vehicles to broadcast an emergency message.
(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—

(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier tracking at the Department of Transportation; and

(B) take into consideration the recommendations and findings of the report on the Hazardous Material Safety and Security Operation Field Test released by the Federal Motor Carrier Safety Administration on November 11, 2004.

(b) FUNDING.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $3,000,000 for each of fiscal years 2007, 2008, and 2009.

SEC. 403. TRUCK LEASING SECURITY TRAINING GUIDELINES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act the Secretary of Homeland Security, through the Transportation Security Administration and in consultation with the Federal Motor Carrier Safety Administration, shall develop and make available in written or electronic form security training guidelines for short-
term truck leasing operations consistent with existing best practices as determined by the Secretary.

(b) CONTENTS.—The truck leasing security training guidelines shall—

(1) include information for short-term truck leasing companies on the appropriate contents of employee security training efforts designed to enable employees to recognize terrorist threats and criminal activity; and

(2) contain a list of best practices developed by the Assistant Secretary.

(c) OUTREACH.—The Secretary may hold public information and outreach sessions to present the truck leasing security training guidelines to short-term truck leasing companies.

(d) FUNDING.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Assistant Secretary of Homeland Security (Transportation Security Administration), to carry out this section $1,000,000 for fiscal year 2007.

SEC. 404. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program within the Transportation Security Administration, in consultation with the Sec-
retary of Transportation, for reviewing hazardous mate-
rials security plans required under part 172, title 49, Code
of Federal Regulations, within 180 days after the date of
enactment of this Act.

(b) CIVIL PENALTY.—The failure, by a shipper, car-
rier, or other person subject to part 172 of title 49, Code
of Federal Regulations, to comply with any applicable sec-
tion of that part within 180 days after being notified by
the Secretary of such failure to comply, is punishable by
a civil penalty imposed by the Secretary under title 49,
United States Code. For purposes of this subsection, each
day of noncompliance after the 181st day following the date
on which the shipper, carrier, or other person received no-
tice of the failure shall constitute a separate failure.

(c) COMPLIANCE REVIEW.—In reviewing the compli-
ance of hazardous materials shippers, carriers, or other per-
sons subject to part 172 of title 49, Code of Federal Regula-
tions, with the provisions of that part, the Secretary shall
utilize risk assessment methodologies to prioritize review
and enforcement actions to the most vulnerable and critical
hazardous materials transportation operations.

(d) TRANSPORTATION COSTS STUDY.—Within 1 year
after the date of enactment of this Act, the Secretary of
Transportation, in conjunction with the Secretary of Home-
land Security, shall study to what extent the insurance, se-
security, and safety costs borne by railroad carriers, motor
carriers, pipeline carriers, air carriers, and maritime car-
rriers associated with the transportation of hazardous mate-
rials are reflected in the rates paid by shippers of such com-
modities as compared to the costs and rates respectively for
the transportation of non-hazardous materials.

(e) FUNDING.—Out of funds appropriated pursuant to
section 114(u)(2) of title 49, United States Code, there shall
be made available to the Assistant Secretary of Homeland
Security (Transportation Security Administration), to
carry out this section—

(1) $2,000,000 for fiscal year 2007;
(2) $2,000,000 for fiscal year 2008; and
(3) $2,000,000 for fiscal year 2009.

SEC. 405. TRUCK SECURITY ASSESSMENT.

Not later than 1 year after the date of enactment of
this Act, the Secretary of Transportation shall transmit to
the Senate Committee on Commerce, Science, and Trans-
portation, the House of Representatives Committee on
Transportation and Infrastructure, and the House of Rep-
resentatives Committee on Homeland Security a report on
security issues related to the trucking industry that in-
cludes—
(1) an assessment of actions already taken to address identified security issues by both public and private entities;

(2) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;

(3) an assessment of ongoing research and the need for additional research on truck security; and

(4) an assessment of industry best practices to enhance security.

SEC. 406. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.

(a) In general.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Memorandum of Understanding Annex executed under section 407, shall develop a Pipeline Security and Incident Recovery Protocols Plan. The plan shall include—

(1) a plan for the Federal Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 406—
(A) at high or severe security threat levels
of alert; and

(B) when specific security threat informa-
tion relating to such pipeline infrastructure or
operations exists; and

(2) an incident recovery protocol plan, developed
in conjunction with interstate and intrastate trans-
mission and distribution pipeline operators and ter-
minals and facilities operators connected to pipelines,
to develop protocols to ensure the continued transpor-
tation of natural gas and hazardous liquids to essen-
tial markets and for essential public health or na-
tional defense uses in the event of an incident affect-
ing the interstate and intrastate natural gas and haz-
ardous liquid transmission and distribution pipeline
system, which shall include protocols for granting ac-
cess to pipeline operators for pipeline infrastructure
repair, replacement or bypass following an incident.

(b) Existing Private and Public Sector Ef-
forts.—The plan shall take into account actions taken or
planned by both private and public entities to address iden-
tified pipeline security issues and assess the effective inte-
gration of such actions.

(c) Consultation.—In developing the plan under
subsection (a), the Secretary of Homeland Security shall
consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, pipeline labor, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials, and other relevant parties.

(d) REPORT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a), along with an estimate of the private and public sector costs to implement any recommendations.

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

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $1,000,000 for fiscal year 2007.
SEC. 407. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations in the September 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.

(b) REVIEW AND INSPECTION.—Within 9 months after the date of enactment of this Act the Secretary shall complete a review of the pipeline security plan and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department of Homeland Security or the Department of Transportation, as determined by the Secretary in consultation with the Secretary of Transportation.

(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), the Secretary shall utilize risk assessment methodologies to prioritize vulnerabilities and to target inspection and en-
for enforcement actions to the most vulnerable and critical pipeline assets.

(d) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit to pipeline operators and the Secretary of Transportation security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the Secretary shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations should incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration’s Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for non-compliance.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section—

(1) $2,000,000 for fiscal year 2007; and

(2) $2,000,000 for fiscal year 2008.
SEC. 408. MEMORANDUM OF AGREEMENT.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute and develop an annex to the memorandum of agreement between the 2 departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing pipeline security and hazardous materials transportation security matters, including the processes the Departments will follow to promote communications, efficiency, and nonduplication of effort.

SEC. 409. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.

(a) DEVELOPMENT.—The Secretary of Homeland Security, in conjunction with the Secretary of Transportation, shall develop a national public sector response system to receive security alerts, emergency messages, and other information used to track the transportation of high hazard materials which can provide accurate, timely, and actionable information to appropriate first responder, law enforcement and public safety, and homeland security officials, as appropriate, regarding accidents, threats, thefts, or other safety and security risks or incidents. In developing this system, they shall consult with law enforcement and public safety officials, hazardous material shippers, motor car-
riers, railroads, organizations representing hazardous material employees, State transportation and hazardous materials officials, Operation Respond, private for-profit emergency response organizations, and commercial motor vehicle and hazardous material safety groups. The development of the national public sector response system shall be based upon the public sector response center developed for the Transportation Security Administration hazardous material truck security pilot program and hazardous material safety and security operational field test undertaken by the Federal Motor Carrier Safety Administration.

(b) CAPABILITY.—The national public sector response system shall be able to receive, as appropriate—

(1) negative driver verification alerts;

(2) out-of-route alerts;

(3) driver panic or emergency alerts; and

(4) tampering or release alerts.

(c) CHARACTERISTICS.—The national public sector response system shall—

(1) be an exception-based system;

(2) be integrated with other private and public sector operation reporting and response systems and all Federal homeland security threat analysis systems or centers (including the National Response Center); and
(3) provide users the ability to create rules for alert notification messages.

(d) CARRIER PARTICIPATION.—The Secretary of Homeland Security shall coordinate with motor carriers and railroads transporting high hazard materials, entities acting on their behalf who receive communication alerts from motor carriers or railroads, or other Federal agencies that receive security and emergency related notification regarding high hazard materials in transit to facilitate the provisions of the information listed in subsection (b) to the national public sector response system to the extent possible.

(e) DATA PRIVACY.—The national public sector response system shall be designed to ensure appropriate protection of data and information relating to motor carriers, railroads, and employees.

(f) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a report on the estimated total public and private sector costs to establish and annually operate the national public sector response system under subsection (a), together with any recommendations for generating private sector participation.
and investment in the development and operation of the na-
tional public sector response system.

(g) FUNDING.—Out of funds appropriated pursuant to
section 114(u)(2) of title 49, United States Code, there shall
be made available to the Secretary of Homeland Security
to carry out this section—

(1) $1,000,000 for fiscal year 2007;
(2) $1,000,000 for fiscal year 2008; and
(3) $1,000,000 for fiscal year 2009.

SEC. 410. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) In General.—The Secretary of Homeland Secu-
rity shall establish a program within the Transportation
Security Administration for making grants to private oper-
ators of over-the-road buses or over-the-road-bus terminal
operators for system-wide security improvements to their
operations, including—

(1) constructing and modifying terminals, ga-
rages, facilities, or over-the-road buses to assure their
security;
(2) protecting or isolating the driver;
(3) acquiring, upgrading, installing, or oper-
ating equipment, software, or accessorial services for
collection, storage, or exchange of passenger and driv-
er information through ticketing systems or otherwise,
and information links with government agencies;
(4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;

(5) hiring and training security officers;

(6) installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing and upgrading an emergency communications system linking operational headquarters, over-the-road buses, law enforcement, and emergency personnel; and

(9) implementing and operating passenger screening programs at terminals and on over-the-road buses.

(b) Federal Share.—The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) Due Consideration.—In making grants under this section, the Secretary shall give due consideration to private operators of over-the-road buses that have taken measures to enhance bus transportation security from those in effect before September 11, 2001, and shall prioritize
grant funding based on the magnitude and severity of the
security threat to bus passengers and the ability of the fund-
ed project to reduce, or respond to, that threat.

(d) **Grant Requirements.**—A grant under this sec-
tion shall be subject to all the terms and conditions that
a grant is subject to under section 3038(f) of the Transpor-
tation Equity Act for the 21st Century (49 U.S.C. 5310
note; 112 Stat. 393).

(e) **Plan Requirement.**—

(1) **In General.**—The Secretary may not make
a grant under this section to a private operator of
over-the-road buses until the operator has first sub-
mitted to the Secretary—

(A) a plan for making security improve-
ments described in subsection (a) and the Sec-
retary has approved the plan; and

(B) such additional information as the Sec-
retary may require to ensure accountability for
the obligation and expenditure of amounts made
available to the operator under the grant.

(2) **Coordination.**—To the extent that an ap-
lication for a grant under this section proposes secu-
ity improvements within a specific terminal owned
and operated by an entity other than the applicant,
the applicant shall demonstrate to the satisfaction of
the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(f) OVER-THE-ROAD BUS DEFINED.—In this section, the term “over-the-road bus” means a bus characterized by an elevated passenger deck located over a baggage compartment.

(g) BUS SECURITY ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a preliminary report in accordance with the requirements of this section.

(2) CONTENTS OF PRELIMINARY REPORT.—The preliminary report shall include—

(A) an assessment of the over-the-road bus security grant program;

(B) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;
(C) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

(D) an assessment of the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees;

(E) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; and

(F) an assessment of industry best practices to enhance security.

(3) CONSULTATION WITH INDUSTRY, LABOR, AND OTHER GROUPS.—In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

(h) FUNDING.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Assistant Secretary of Homeland
Security (Transportation Security Administration), to carry out this section—

(1) $50,000,000 for fiscal year 2007;
(2) $50,000,000 for fiscal year 2008; and
(3) $50,000,000 for fiscal year 2009.

Amounts made available pursuant to this subsection shall remain available until expended.

**TITLE V—IMPROVED MARITIME SECURITY**

**SEC. 501. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.**

(a) In general.—In order to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish interagency operational centers for port security at all high priority ports.

(b) Characteristics.—The interagency operational centers shall—

(1) be based on the most appropriate compositional and operational characteristics of the pilot project interagency operational centers for port
security in Miami, Florida, Norfolk/Hampton Roads, Virginia, Charleston, South Carolina, and San Diego, California;

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating;

(3) provide for participation by representatives of the United States Customs and Border Protection, the Transportation Security Administration, the Department of Defense, and other Federal agencies, as determined to be appropriate by the Secretary of Homeland Security, and State and local law enforcement or port security agencies and personnel; and

(4) be incorporated in the implementation of—

(A) maritime transportation security plans developed under section 70103 of title 46, United States Code;

(B) maritime intelligence activities under section 70113 of that title;

(C) short and long range vessel tracking under sections 70114 and 70115 of that title;

(D) secure transportation systems under section 70116 of that title;
(E) the United States Customs and Border Protection’s screening and high-risk cargo inspection programs; and

(F) the transportation security incident response plans required by section 70104 of that title.

(c) 2005 ACT REPORT REQUIREMENT.—Nothing in this section relieves the Commandant of the Coast Guard from compliance with the requirements of section 807 of the Coast Guard and Maritime Transportation Act of 2004. The Commandant shall utilize the information developed in making the report required by that section in carrying out the requirements of this section.

(d) BUDGET AND COST-SHARING ANALYSIS.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security a proposed budget analysis for implementing subsection (a), including cost-sharing arrangements with other Federal departments and agencies involved in the interagency operation of the centers.
SEC. 502. AREA MARITIME TRANSPORTATION SECURITY PLAN TO INCLUDE SALVAGE RESPONSE PLAN.

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

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

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

“(F) include a salvage response plan—

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

“(ii) to ensure that the flow of cargo through United States ports is re-established as efficiently and quickly as possible after a transportation security incident.”.

SEC. 503. POST-INCIDENT RESUMPTION OF TRADE.

Section 70103(a)(2)(J) of title 46, United States Code, is amended by inserting after “incident.” the following:

“The plan shall provide, to the extent practicable, preference in the reestablishment of the flow of cargo through United States ports after a transportation security incident to—

“(i) vessels that have a vessel security plan approved under subsection (c);
“(ii) vessels manned by individuals who are described in section 70105(b)(2)(B) and who have undergone a background records check under section 70105(d) or who hold transportation security cards issued under section 70105; and

“(iii) vessels on which all the cargo has undergone screening and inspection under standards and procedures established under section 70116(b)(2) of this title.”.

SEC. 504. ASSISTANCE FOR FOREIGN PORTS.

(a) In General.—Section 70109 of title 46, United States Code, is amended—

(1) by striking the section heading and inserting the following:

“§ 70109. International cooperation and coordination”

; and

(2) by adding at the end the following:

“(c) FOREIGN ASSISTANCE PROGRAMS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of Energy, and the Commandant of the United States Coast Guard, shall identify foreign assistance programs that could facilitate implementation of port security antiterrorism
measures in foreign countries. The Secretary shall est-

establish a program to utilize those programs that are

capable of implementing port security antiterrorism

measures at ports in foreign countries that the Sec-

retary finds, under section 70108, to lack effective

antiterrorism measures.

“(2) CARIBBEAN BASIN.—The Secretary, in co-

ordination with the Secretary of State and in con-

sultation with the Organization of American States

and the Commandant of the United States Coast

Guard, shall place particular emphasis on utilizing

programs to facilitate the implementation of port se-

curity antiterrorism measures at the ports located in

the Caribbean Basin, as such ports pose unique secu-

rity and safety threats to the United States due to—

“(A) the strategic location of such ports be-

tween South America and United States;

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

“(C) the significant number of shipments of

narcotics to the United States that are moved

through such ports.

“(d) INTERNATIONAL CARGO SECURITY STANDARDS.—

The Secretary of State, in consultation with the Secretary

acting through the Commissioner of Customs and Border

Protection, shall enter into negotiations with foreign gov-
ernments and international organizations, including the International Maritime Organization, the World Customs Organization, the International Labor Organization, and the International Standards Organization, as appropriate—

“(1) to promote standards for the security of containers and other cargo moving within the international supply chain;

“(2) to encourage compliance with minimum technical requirements for the capabilities of non-intrusive inspection equipment, including imaging and radiation detection devices, established under section 506 of the Transportation Security Improvement Act of 2005;

“(3) to implement the requirements of the container security initiative under section 70121; and

“(4) to implement standards and procedures established under section 70116.”.

(b) Report on Security at Ports in the Caribbean Basin.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Rep-
resentatives Committee on Homeland Security a report on
the security of ports in the Caribbean Basin. The report—
(1) shall include—

(A) an assessment of the effectiveness of the
measures employed to improve security at ports
in the Caribbean Basin and recommendations
for any additional measures to improve such se-
curity;

(B) an estimate of the number of ports in
the Caribbean Basin that will not be secured by
January 1, 2007, and an estimate of the finan-
cial impact in the United States of any action
taken pursuant to section 70110 of title 46,
United States Code, that affects trade between
such ports and the United States; and

(C) an assessment of the additional re-
sources and program changes that are necessary
to maximize security at ports in the Caribbean
Basin; and

(2) may be submitted in both classified and re-
dacted formats.

(c) CONFORMING AMENDMENT.—The chapter analysis
for chapter 701 of title 46, United States Code, is amended
by striking the item relating to section 70901 and inserting
the following:

“70901. International cooperation and coordination.”.
SEC. 505. IMPROVED DATA FOR TARGETED CARGO SEARCHES.

(a) IN GENERAL.—In order to provide the best possible data for the automated targeting system developed and operated by United States Customs and Border Protection under section 70116(b)(1) of title 46, United States Code, that identifies high-risk cargo for inspection before it is loaded in a foreign port for shipment to the United States, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, shall require importers shipping goods to the United States via cargo container to supply entry data not later than 24 hours before loading a container under the advance notification requirements under section 484(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)).

(b) DEADLINE.—The requirement imposed under subsection (a) shall apply to goods entered after July 1, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary of Homeland Security to carry out the automated targeting system program to identify high-risk oceanborne container cargo for inspection—

(A) $30,700,000 for fiscal year 2007;

(B) $33,200,000 for fiscal year 2008; and

(C) $35,700,000 for fiscal year 2009.
(2) The amounts authorized by this subsection shall be in addition to any other amounts authorized to be appropriated to carry out that program.

SEC. 506. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE INSPECTION EQUIPMENT.

Within 2 years after the date of enactment of this Act, the Commissioner of Customs and Border Protection, in consultation with the National Institute of Science and Technology, shall initiate a rulemaking to establish minimum technical requirements for the capabilities of non-intrusive inspection equipment, including imaging and radiation detection devices, that help ensure that all equipment used can detect risks and threats as determined appropriate by the Secretary, while considering the need not to endorse specific companies or to create sovereignty conflicts with participating countries.

SEC. 507. RANDOM INSPECTION OF CONTAINERS.

Within 1 year after the date of enactment of this Act, the Commissioner of Customs and Border Protection shall develop and implement a plan, utilizing best practices for empirical scientific research design and random sampling standards for random physical inspection of shipping containers in addition to any targeted or pre-shipment inspection of such containers required by law or regulation or conducted under any other program conducted by the Com-
missioner. Nothing in this section shall be construed to
mean that implementation of the random sampling plan
would preclude the additional physical inspection of ship-
ing containers not inspected pursuant to the plan.

SEC. 508. CARGO SECURITY.

(a) In General.—Chapter 701 of title 46, United
States Code, is amended—

(1) by redesignating the second section 70118
(relating to withholding of clearance), as added by
section 802(a)(2) of the Coast Guard and Maritime
Transportation Act of 2004, as section 70119;

(2) by redesignating the first section 70119 (re-
lating to enforcement by State and local officers), as
added by section 801(a) of the Coast Guard and Mar-
itime Transportation Act of 2004, as section 70120;

(3) by redesignating the second section 70119
(relating to civil penalty), as redesignated by section
802(a)(1) of the Coast Guard and Maritime Trans-
portation Act of 2004, as section 70122; and

(4) by inserting after section 70120, as redesig-
nated by paragraph (2), the following:

§ 70121. Container security initiative

“(a) In General.—Pursuant to the standards estab-
lished under subsection (b)(1) of section 70116—
“(1) the Secretary, through the Commissioner of Customs and Border Protection, shall issue regulations to—

“(A) evaluate and screen cargo documents prior to loading in a foreign port for shipment to the United States, either directly or via a foreign port; and

“(B) inspect high-risk cargo in a foreign port intended for shipment to the United States by physical examination or nonintrusive examination by technological means; and

“(2) the Commissioner of Customs and Border Protection shall execute inspection and screening protocols with authorities in foreign ports to ensure that the standards and procedures promulgated under paragraph (1) are implemented in an effective manner.

“(b) EXTENSION OF CONTAINER SECURITY INITIATIVE TO OTHER PORTS.—The Secretary, through the Commissioner of Customs and Border Protection, may designate foreign seaports under this section if, with respect to any such seaport, the Secretary determines that—

“(1) the seaport—

“(A) presents a significant level of risk;
“(B) is a significant port or origin or transshipment, in terms of volume or value, for cargo being imported to the United States; and

“(C) is potentially capable of validating a secure system of transportation pursuant to section 70116; and

“(2) the Department of State and representatives of the country with jurisdiction over the port have completed negotiations to ensure compliance with the requirements of the container security initiative.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

“(1) $142,000,000 for fiscal year 2007;

“(2) $144,000,000 for fiscal year 2008; and

“(3) $146,000,000 for fiscal year 2009.”.

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the items following the item relating to section 70116 and inserting the following:

“70117. In rem liability for civil penalties and certain costs.

“70118. Firearms, arrests, and seizure of property.

“70119. Withholding of clearance.

“70120. Enforcement by State and local officers.


“70122. Civil penalty.”.
(2) Section 70117(a) of title 46, United States Code, is amended by striking “section 70120” and inserting “section 70122”.

(3) Section 70119(a) of such title, as redesignated by subsection (a)(1) of this section, is amended—

(A) by striking “under section 70119,” and inserting “under section 70122,”; and

(B) by striking “under section 70120,” and inserting “under that section,”.

(4) Section 111 of the Maritime Transportation Security Act of 2002 is repealed.

SEC. 509. SECURE SYSTEMS OF INTERNATIONAL INTER-MODAL TRANSPORTATION.

Section 70116 of title 46, United States Code, is amended—

(1) by striking “transportation.” in subsection (a) and inserting “transportation—

“(1) to ensure the security and integrity of shipments of goods to the United States from the point at which such goods are initially packed or loaded into a cargo container for international shipment until they reach their ultimate destination; and
“(2) to facilitate the movement of such goods through the entire supply chain through an expedited security and clearance program.”; and (2) by striking subsection (b) and inserting the following:

“(b) PROGRAM ELEMENTS.—In establishing and conducting the program under subsection (a) the Secretary, acting through the Commissioner of Customs and Border Protection, shall—

“(1) establish standards and procedures for verifying, at the point at which goods are placed in a cargo container for shipping, that the container is free of unauthorized hazardous chemical, biological, or nuclear material and for securely sealing such containers after the contents are so verified;

“(2) establish standards and procedures for screening and evaluating cargo prior to loading in a foreign port for shipment to the United States either directly or via a foreign port;

“(3) establish standards and procedures for securing cargo and monitoring that security while in transit;

“(4) develop performance standards to enhance the physical security of shipping containers, including performance standards for seals and locks;
“(5) establish standards and procedures for allowing the United States Government to ensure and validate compliance with this program; and

“(6) incorporate any other measures the Secretary considers necessary to ensure the security and integrity of international intermodal transport movements.

“(c) BENEFITS FROM PARTICIPATION.—The Commissioner of Customs and Border Protection may provide expedited clearance of cargo to an entity that—

“(1) meets or exceeds the standards established under subsection (b); and

“(2) certifies the security of its supply chain not less often than once every 2 years to the Secretary.”.

SEC. 510. PORT SECURITY USER FEE STUDY.

The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of oceanborne and port-related intermodal transportation user fees that could be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for the improvement and maintenance of enhanced port security. Within 1 year after date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the
that—

(1) contains the Secretary’s findings, conclusions, and recommendations (including legislative recommendations if appropriate); and

(2) includes an assessment of the annual amount of customs fees and duties collected through ocean-borne and port-related transportation and the amount and percentage of such fees and duties that are dedicated to improve and maintain security.

SEC. 511. DEADLINE FOR TRANSPORTATION SECURITY CARDS.

The Secretary shall issue a final rule under section 70105 of title 46, United States Code, no later than January 1, 2007.

SEC. 512. PORT SECURITY GRANTS.

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

(b) ELIGIBLE COSTS.—Section 70107(b) of title 46, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.
(c) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

“(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.”.

SEC. 513. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM SECURITY VALIDATION PROGRAM.

(a) In General.—Chapter 701 of title 46, United States Code, as amended by section 508 of this title, is further amended—

(1) by redesignating section 70122 (as redesignated by section 508(a)(3) of this title) as section 70123; and

(2) by inserting after section 70121 the following:

“§ 70122. Customs-Trade Partnership Against Terrorism validation program.

“(a) VALIDATION; RECORDS MANAGEMENT.—The Secretary of Homeland Security, through the Commissioner of Customs and Border Protection, shall issue regulations—

“(1) to strengthen the validation process to verify that security programs of members of the Customs-Trade Partnership Against Terrorism have been implemented and that the program benefits should con-
continue by providing appropriate guidance to specialists conducting such validations, including establishing what level of review is adequate to determine whether member security practices are reliable, accurate, and effective; and

“(2) to implement a records management system that documents key decisions and significant operational events accurately and in a timely manner, including a reliable system for—

“(A) documenting and maintaining records of all decisions in the application through validation processes, including documentation of the objectives, scope, methodologies, and limitations of validations; and

“(B) tracking member status.

“(b) HUMAN CAPITAL PLAN.—Within 6 months after the date of enactment of the Transportation Security Improvement Act of 2005, the Secretary shall complete a human capital plan, that clearly describes how the Customs-Trade Partnership Against Terrorism program will recruit, train, and retain sufficient staff to conduct the work of the program successfully, including reviewing security profiles, vetting, and conducting validations to mitigate program risk.”.
(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out section 70122 of title 49, United States Code, not to exceed—

1. $60,000,000 for fiscal year 2007;
2. $65,000,000 for fiscal year 2008; and
3. $72,000,000 for fiscal year 2009.

(c) CONFORMING AMENDMENTS.—
1. The chapter analysis for chapter 701 of title 46, United States Code, as amended by section 508(b) of this title, is further amended by striking the item relating to section 70122 and inserting the following:
   “70122. Customs-Trade Partnership Against Terrorism validation program. 70123. Civil penalty.”.
2. Section 70117(a) and 70119(a) of title 46, United States Code, as amended by section 508(b)(2) and (3), respectively, of this Act, are each amended by striking “section 70122,” and inserting “section 70123,”.

SEC. 514. WORK STOPPAGES AND EMPLOYEE-EMPLOYER DISPUTES.

Section 70101(6) is amended by inserting after “area.” the following: “In this paragraph, the term ‘economic disruption’ does not include a work stoppage or other non-violent employee-related action resulting from an employee-employer dispute.”.
SEC. 515. APPEAL OF DENIAL OF TRANSPORTATION SECURITY CARD.

Section 70105(c)(3) of title 46, United States Code, is amended by inserting “or a waiver under paragraph (2)” after “card”.

SEC. 516. INSPECTION OF CAR FERRIES ENTERING FROM CANADA.

Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, in coordination with the Secretary of State, and their Canadian counterparts, shall develop a plan for the inspection of passengers and vehicles before such passengers board, or such vehicles are loaded onto, a ferry bound for a United States port.
To improve transportation security, and for other purposes.

A BILL

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