

Calendar No. 299

109TH CONGRESS
1ST SESSION**S. 2032**

To authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2005

Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve 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 “Public Transportation Terrorism Prevention Act of
6 2005”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings and purpose.
 Sec. 3. Security assessments.
 Sec. 4. Security assistance grants.
 Sec. 5. Intelligence sharing.
 Sec. 6. Research, development, and demonstration grants.
 Sec. 7. Reporting requirements.
 Sec. 8. Authorization of appropriations.
 Sec. 9. Sunset provision.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) public transportation systems throughout
 4 the world have been a primary target of terrorist at-
 5 tacks, causing countless death and injuries;

6 (2) 5,800 public transportation agencies operate
 7 in the United States;

8 (3) 14,000,000 people in the United States ride
 9 public transportation each work day;

10 (4) safe and secure public transportation sys-
 11 tems are essential for the Nation's economy and for
 12 significant national and international public events;

13 (5) the Federal Transit Administration has in-
 14 vested \$74,900,000,000 since 1992 for construction
 15 and improvements to the Nation's public transpor-
 16 tation systems;

17 (6) the Federal Government appropriately in-
 18 vested \$18,100,000,000 in fiscal years 2002 through
 19 2005 to protect our Nation's aviation system and its
 20 1,800,000 daily passengers;

1 (7) the Federal Government has allocated
 2 \$250,000,000 in fiscal years 2003 through 2005 to
 3 protect public transportation systems in the United
 4 States;

5 (8) the Federal Government has invested \$7.38
 6 in aviation security improvements per passenger, but
 7 only \$0.007 in public transportation security im-
 8 provements per passenger;

9 (9) the Government Accountability Office, the
 10 Mineta Institute for Surface Transportation Policy
 11 Studies, the American Public Transportation Asso-
 12 ciation, and many transportation experts have re-
 13 ported an urgent need for significant investment in
 14 public transportation security improvements; and

15 (10) the Federal Government has a duty to
 16 deter and mitigate, to the greatest extent prac-
 17 ticable, threats against the Nation's public transpor-
 18 tation systems.

19 **SEC. 3. SECURITY ASSESSMENTS.**

20 (a) PUBLIC TRANSPORTATION SECURITY ASSESS-
 21 MENTS.—

22 (1) SUBMISSION.—Not later than 30 days after
 23 the date of enactment of this Act, the Federal Tran-
 24 sit Administration of the Department of Transpor-
 25 tation shall submit all public transportation security

1 assessments and all other relevant information to
2 the Secretary of Homeland Security.

3 (2) REVIEW.—Not later than July 31, 2006,
4 the Secretary of Homeland Security shall review and
5 augment the security assessments received under
6 paragraph (1).

7 (3) ALLOCATIONS.—The Secretary of Home-
8 land Security shall use the security assessments re-
9 ceived under paragraph (1) as the basis for allo-
10 cating grant funds under section 4, unless the Sec-
11 retary notifies the Committee on Banking, Housing,
12 and Urban Affairs of the Senate that the Secretary
13 has determined that an adjustment is necessary to
14 respond to an urgent threat or other significant fac-
15 tors.

16 (4) SECURITY IMPROVEMENT PRIORITIES.—Not
17 later than September 30, 2006, the Secretary of
18 Homeland Security, after consultation with the man-
19 agement and employee representatives of each public
20 transportation system for which a security assess-
21 ment has been received under paragraph (1), shall
22 establish security improvement priorities that will be
23 used by public transportation agencies for any fund-
24 ing provided under section 4.

1 (5) UPDATES.—Not later than July 31, 2007,
2 and annually thereafter, the Secretary of Homeland
3 Security shall—

4 (A) update the security assessments re-
5 ferred to in this subsection; and

6 (B) conduct security assessments of all
7 public transportation agencies considered to be
8 at greatest risk of a terrorist attack.

9 (b) USE OF SECURITY ASSESSMENT INFORMA-
10 TION.—The Secretary of Homeland Security shall use the
11 information collected under subsection (a)—

12 (1) to establish the process for developing secu-
13 rity guidelines for public transportation security; and

14 (2) to design a security improvement strategy
15 that—

16 (A) minimizes terrorist threats to public
17 transportation systems; and

18 (B) maximizes the efforts of public trans-
19 portation systems to mitigate damage from ter-
20 rorist attacks.

21 (c) BUS AND RURAL PUBLIC TRANSPORTATION SYS-
22 TEMS.—Not later than July 31, 2006, the Secretary of
23 Homeland Security shall conduct security assessments,
24 appropriate to the size and nature of each system, to de-
25 termine the specific needs of—

- 1 (1) local bus-only public transportation systems;
2 and
3 (2) selected public transportation systems that
4 receive funds under section 5311 of title 49, United
5 States Code.

6 **SEC. 4. SECURITY ASSISTANCE GRANTS.**

7 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

8 (1) IN GENERAL.—The Secretary of Homeland
9 Security shall award grants directly to public trans-
10 portation agencies for allowable capital security im-
11 provements based on the priorities established under
12 section 3(a)(4).

13 (2) ALLOWABLE USE OF FUNDS.—Grants
14 awarded under paragraph (1) may be used for—

- 15 (A) tunnel protection systems;
16 (B) perimeter protection systems;
17 (C) redundant critical operations control
18 systems;
19 (D) chemical, biological, radiological, or ex-
20 plosive detection systems;
21 (E) surveillance equipment;
22 (F) communications equipment;
23 (G) emergency response equipment;
24 (H) fire suppression and decontamination
25 equipment;

- 1 (I) global positioning or automated vehicle
- 2 locator type system equipment;
- 3 (J) evacuation improvements; and
- 4 (K) other capital security improvements.

5 (b) OPERATIONAL SECURITY ASSISTANCE PRO-
6 GRAM.—

7 (1) IN GENERAL.—The Secretary of Homeland
8 Security shall award grants directly to public trans-
9 portation agencies for allowable operational security
10 improvements based on the priorities established
11 under section 3(a)(4).

12 (2) ALLOWABLE USE OF FUNDS.—Grants
13 awarded under paragraph (1) may be used for—

14 (A) security training for public transpor-
15 tation employees, including bus and rail opera-
16 tors, mechanics, customer service, maintenance
17 employees, transit police, and security per-
18 sonnel;

19 (B) live or simulated drills;

20 (C) public awareness campaigns for en-
21 hanced public transportation security;

22 (D) canine patrols for chemical, biological,
23 or explosives detection;

24 (E) overtime reimbursement for enhanced
25 security personnel during significant national

1 and international public events, consistent with
2 the priorities established under section 3(a)(4);
3 and

4 (F) other appropriate security improve-
5 ments identified under section 3(a)(4), exclud-
6 ing routine, ongoing personnel costs.

7 (c) CONGRESSIONAL NOTIFICATION.—Not later than
8 3 days before the award of any grant under this section,
9 the Secretary of Homeland Security shall notify the Com-
10 mittee on Banking, Housing, and Urban Affairs of the
11 Senate of the intent to award such grant.

12 (d) PUBLIC TRANSPORTATION AGENCY RESPON-
13 SIBILITIES.—Each public transportation agency that re-
14 ceives a grant under this section shall—

15 (1) identify a security coordinator to coordinate
16 security improvements;

17 (2) develop a comprehensive plan that dem-
18 onstrates the agency's capacity for operating and
19 maintaining the equipment purchased under this
20 section; and

21 (3) report annually to the Department of
22 Homeland Security on the use of grant funds re-
23 ceived under this section.

24 (e) RETURN OF MISSPENT GRANT FUNDS.—If the
25 Secretary of Homeland Security determines that a grantee

1 used any portion of the grant funds received under this
2 section for a purpose other than the allowable uses speci-
3 fied for that grant under this section, the grantee shall
4 return any amount so used to the Treasury of the United
5 States.

6 **SEC. 5. INTELLIGENCE SHARING.**

7 (a) INTELLIGENCE SHARING.—The Secretary of
8 Homeland Security shall ensure that the Department of
9 Transportation receives appropriate and timely notifica-
10 tion of all credible terrorist threats against public trans-
11 portation assets in the United States.

12 (b) INFORMATION SHARING ANALYSIS CENTER.—

13 (1) ESTABLISHMENT.—The Secretary of Home-
14 land Security shall provide sufficient financial assist-
15 ance for the reasonable costs of the Information
16 Sharing and Analysis Center for Public Transpor-
17 tation (referred to in this subsection as the “ISAC”)
18 established pursuant to Presidential Directive 63, to
19 protect critical infrastructure.

20 (2) PUBLIC TRANSPORTATION AGENCY PARTICI-
21 PATION.—The Secretary of Homeland Security—

22 (A) shall require those public transpor-
23 tation agencies that the Secretary determines to
24 be at significant risk of terrorist attack to par-
25 ticipate in the ISAC;

1 (B) shall encourage all other public trans-
2 portation agencies to participate in the ISAC;
3 and

4 (C) shall not charge a fee to any public
5 transportation agency for participating in the
6 ISAC.

7 **SEC. 6. RESEARCH, DEVELOPMENT, AND DEMONSTRATION**
8 **GRANTS.**

9 (a) GRANTS AUTHORIZED.—The Secretary of Home-
10 land Security, in consultation with the Federal Transit
11 Administration, shall award grants to public or private en-
12 tities to conduct research into, and demonstrate, tech-
13 nologies and methods to reduce and deter terrorist threats
14 or mitigate damages resulting from terrorist attacks
15 against public transportation systems.

16 (b) USE OF FUNDS.—Grants awarded under sub-
17 section (a) may be used to—

18 (1) research chemical, biological, radiological, or
19 explosive detection systems that do not significantly
20 impede passenger access;

21 (2) research imaging technologies;

22 (3) conduct product evaluations and testing;

23 and

24 (4) research other technologies or methods for
25 reducing or deterring terrorist attacks against public

1 transportation systems, or mitigating damage from
2 such attacks.

3 (c) REPORTING REQUIREMENT.—Each entity that
4 receives a grant under this section shall report annually
5 to the Department of Homeland Security on the use of
6 grant funds received under this section.

7 (d) RETURN OF MISSPENT GRANT FUNDS.—If the
8 Secretary of Homeland Security determines that a grantee
9 used any portion of the grant funds received under this
10 section for a purpose other than the allowable uses speci-
11 fied under subsection (b), the grantee shall return any
12 amount so used to the Treasury of the United States.

13 **SEC. 7. REPORTING REQUIREMENTS.**

14 (a) SEMI-ANNUAL REPORT TO CONGRESS.—

15 (1) IN GENERAL.—Not later than March 31
16 and September 30 of each year, the Secretary of
17 Homeland Security shall submit a report, containing
18 the information described in paragraph (2), to—

19 (A) the Committee on Banking, Housing,
20 and Urban Affairs of the Senate;

21 (B) the Committee on Homeland Security
22 and Governmental Affairs of the Senate; and

23 (C) the Committee on Appropriations of
24 the Senate.

1 (2) CONTENTS.—The report submitted under
2 paragraph (1) shall include—

3 (A) a description of the implementation of
4 the provisions of sections 3 through 6;

5 (B) the amount of funds appropriated to
6 carry out the provisions of each of sections 3
7 through 6 that have not been expended or obli-
8 gated; and

9 (C) the state of public transportation secu-
10 rity in the United States.

11 (b) ANNUAL REPORT TO GOVERNORS.—

12 (1) IN GENERAL.—Not later than March 31 of
13 each year, the Secretary of Homeland Security shall
14 submit a report to the Governor of each State with
15 a public transportation agency that has received a
16 grant under this Act.

17 (2) CONTENTS.—The report submitted under
18 paragraph (1) shall specify—

19 (A) the amount of grant funds distributed
20 to each such public transportation agency; and

21 (B) the use of such grant funds.

22 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

24 There are authorized to be appropriated \$2,370,000,000

1 for fiscal year 2007 to carry out the provisions of section
2 4(a), which shall remain available until expended.

3 (b) OPERATIONAL SECURITY ASSISTANCE PRO-
4 GRAM.—There are authorized to be appropriated to carry
5 out the provisions of section 4(b)—

6 (1) \$534,000,000 for fiscal year 2007;

7 (2) \$333,000,000 for fiscal year 2008; and

8 (3) \$133,000,000 for fiscal year 2009.

9 (c) INTELLIGENCE.—There are authorized to be ap-
10 propriated such sums as may be necessary to carry out
11 the provisions of section 5.

12 (d) RESEARCH.—There are authorized to be appro-
13 priated \$130,000,000 for fiscal year 2007 to carry out the
14 provisions of section 6, which shall remain available until
15 expended.

16 **SEC. 9. SUNSET PROVISION.**

17 The authority to make grants under this Act shall
18 expire on October 1, 2009.

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