

[STAFF WORKING DRAFT]

MAY 3, 2006

109TH CONGRESS
2ND SESSION

S. _____

To amend titles 46 and 49, United States Code, to provide improved maritime, rail, and public transportation security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY —, 2006

Mr. STEVENS (for himself, Mr. INOUE, Mr. SHELBY, Mr. SARBANES, Mrs. HUTCHISON, Ms. SNOWE, Mr. SMITH, Mr. BURNS, Mr. ALLARD, Mr. BENNETT, Mr. VITTER, Mr. BUNNING, Mr. ALLEN, Mr. GRAHAM, Mr. LOTT, Mr. DEWINE, Mr. DOMENICI, Mrs. DOLE, Mr. TALENT, Ms. MURKOWSKI, Mr. ROBERTS, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mrs. BOXER, Mr. NELSON of Florida, Mr. KERRY, Ms. CANTWELL, Mr. REED, Mr. SCHUMER, Mrs. CLINTON, Mr. CARPER, Mr. MENENDEZ, Mr. KENNEDY, Mr. PRYOR, Ms. STABENOW, Mr. DORGAN, Mr. KOHL, Mr. BIDEN, Mr. DURBIN, Ms. MIKULSKI, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend titles 46 and 49, United States Code, to provide improved maritime, rail, and public 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,*

1 SECTION 1. TABLE OF CONTENTS.

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1 **TITLE I—IMPROVED PUBLIC**
2 **TRANSPORTATION SECURITY**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Public Transportation
5 Terrorism Prevention Act of 2006”.

6 **SEC. 102. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

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

11 (2) 5,800 public transportation agencies operate
12 in the United States;

13 (3) 14,000,000 people in the United States ride
14 public transportation each work day;

15 (4) safe and secure public transportation sys-
16 tems are essential for the Nation’s economy and for
17 significant national and international public events;

18 (5) the Federal Transit Administration has in-
19 vested \$74,900,000,000 since 1992 for construction
20 and improvements to the Nation’s public transpor-
21 tation systems;

1 (6) the Federal Government appropriately in-
2 vested \$18,100,000,000 in fiscal years 2002 through
3 2005 to protect our Nation's aviation system and its
4 1,800,000 daily passengers;

5 (7) the Federal Government has allocated
6 \$250,000,000 in fiscal years 2003 through 2005 to
7 protect public transportation systems in the United
8 States;

9 (8) the Federal Government has invested \$7.38
10 in aviation security improvements per passenger, but
11 only \$0.007 in public transportation security im-
12 provements per passenger;

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

19 (10) the Federal Government has a duty to
20 deter and mitigate, to the greatest extent prac-
21 ticable, threats against the Nation's public transpor-
22 tation systems.

23 **SEC. 103. SECURITY ASSESSMENTS.**

24 (a) PUBLIC TRANSPORTATION SECURITY ASSESS-
25 MENTS.—

1 (1) SUBMISSION.—Not later than 30 days after
2 the date of enactment of this Act, the Federal Tran-
3 sit Administration of the Department of Transpor-
4 tation shall submit all public transportation security
5 assessments and all other relevant information to
6 the Secretary of Homeland Security.

7 (2) REVIEW.—Not later than July 31, 2006,
8 the Secretary of Homeland Security shall review and
9 augment the security assessments received under
10 paragraph (1).

11 (3) ALLOCATIONS.—The Secretary of Home-
12 land Security shall use the security assessments re-
13 ceived under paragraph (1) as the basis for allo-
14 cating grant funds under section 104, unless the
15 Secretary notifies the Committee on Banking, Hous-
16 ing, and Urban Affairs of the Senate that the Sec-
17 retary has determined that an adjustment is nec-
18 essary to respond to an urgent threat or other sig-
19 nificant factors.

20 (4) SECURITY IMPROVEMENT PRIORITIES.—Not
21 later than September 30, 2006, the Secretary of
22 Homeland Security, after consultation with the man-
23 agement and employee representatives of each public
24 transportation system for which a security assess-
25 ment has been received under paragraph (1), shall

1 establish security improvement priorities that will be
2 used by public transportation agencies for any fund-
3 ing provided under section 104.

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

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

9 (B) conduct security assessments of all
10 public transportation agencies considered to be
11 at greatest risk of a terrorist attack.

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

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

17 (2) to design a security improvement strategy
18 that—

19 (A) minimizes terrorist threats to public
20 transportation systems; and

21 (B) maximizes the efforts of public trans-
22 portation systems to mitigate damage from ter-
23 rorist attacks.

24 (c) BUS AND RURAL PUBLIC TRANSPORTATION SYS-
25 TEMS.—Not later than July 31, 2006, the Secretary of

1 Homeland Security shall conduct security assessments,
2 appropriate to the size and nature of each system, to de-
3 termine the specific needs of—

4 (1) local bus-only public transportation systems;

5 and

6 (2) selected public transportation systems that
7 receive funds under section 5311 of title 49, United
8 States Code.

9 **SEC. 104. SECURITY ASSISTANCE GRANTS.**

10 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

11 (1) IN GENERAL.—The Secretary of Homeland
12 Security shall award grants directly to public trans-
13 portation agencies for allowable capital security im-
14 provements based on the priorities established under
15 section 103(a)(4).

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

18 (A) tunnel protection systems;

19 (B) perimeter protection systems;

20 (C) redundant critical operations control
21 systems;

22 (D) chemical, biological, radiological, or ex-
23 plosive detection systems;

24 (E) surveillance equipment;

25 (F) communications equipment;

- 1 (G) emergency response equipment;
- 2 (H) fire suppression and decontamination
- 3 equipment;
- 4 (I) global positioning or automated vehicle
- 5 locator type system equipment;
- 6 (J) evacuation improvements; and
- 7 (K) other capital security improvements.

8 (b) OPERATIONAL SECURITY ASSISTANCE PRO-
9 GRAM.—

10 (1) IN GENERAL.—The Secretary of Homeland
11 Security shall award grants directly to public trans-
12 portation agencies for allowable operational security
13 improvements based on the priorities established
14 under section 103(a)(4).

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

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

22 (B) live or simulated drills;

23 (C) public awareness campaigns for en-
24 hanced public transportation security;

1 (D) canine patrols for chemical, biological,
2 or explosives detection;

3 (E) overtime reimbursement for enhanced
4 security personnel during significant national
5 and international public events, consistent with
6 the priorities established under section
7 103(a)(4); and

8 (F) other appropriate security improve-
9 ments identified under section 103(a)(4), ex-
10 cluding routine, ongoing personnel costs.

11 (c) CONGRESSIONAL NOTIFICATION.—Not later than
12 3 days before the award of any grant under this section,
13 the Secretary of Homeland Security shall notify the Com-
14 mittee on Banking, Housing, and Urban Affairs of the
15 Senate of the intent to award such grant.

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

19 (1) identify a security coordinator to coordinate
20 security improvements;

21 (2) develop a comprehensive plan that dem-
22 onstrates the agency's capacity for operating and
23 maintaining the equipment purchased under this
24 section; and

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

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

11 **SEC. 105. INTELLIGENCE SHARING.**

12 (a) INTELLIGENCE SHARING.—The Secretary of
13 Homeland Security shall ensure that the Department of
14 Transportation receives appropriate and timely notifica-
15 tion of all credible terrorist threats against public trans-
16 portation assets in the United States.

17 (b) INFORMATION SHARING ANALYSIS CENTER.—

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

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

3 (A) shall require those public transpor-
4 tation agencies that the Secretary determines to
5 be at significant risk of terrorist attack to par-
6 ticipate in the ISAC;

7 (B) shall encourage all other public trans-
8 portation agencies to participate in the ISAC;
9 and

10 (C) shall not charge a fee to any public
11 transportation agency for participating in the
12 ISAC.

13 **SEC. 106. RESEARCH, DEVELOPMENT, AND DEMONSTRA-**
14 **TION GRANTS.**

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

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

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

4 (2) research imaging technologies;

5 (3) conduct product evaluations and testing;

6 and

7 (4) research other technologies or methods for
8 reducing or deterring terrorist attacks against public
9 transportation systems, or mitigating damage from
10 such attacks.

11 (c) **REPORTING REQUIREMENT.**—Each entity that
12 receives a grant under this section shall report annually
13 to the Department of Homeland Security on the use of
14 grant funds received under this section.

15 (d) **RETURN OF MISSPENT GRANT FUNDS.**—If the
16 Secretary of Homeland Security determines that a grantee
17 used any portion of the grant funds received under this
18 section for a purpose other than the allowable uses speci-
19 fied under subsection (b), the grantee shall return any
20 amount so used to the Treasury of the United States.

21 **SEC. 107. REPORTING REQUIREMENTS.**

22 (a) **SEMI-ANNUAL REPORT TO CONGRESS.**—

23 (1) **IN GENERAL.**—Not later than March 31
24 and September 30 of each year, the Secretary of

1 Homeland Security shall submit a report, containing
2 the information described in paragraph (2), to—

3 (A) the Committee on Banking, Housing,
4 and Urban Affairs of the Senate;

5 (B) the Committee on Homeland Security
6 and Governmental Affairs of the Senate; and

7 (C) the Committee on Appropriations of
8 the Senate.

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

11 (A) a description of the implementation of
12 the provisions of sections — 103 through 106;

13 (B) the amount of funds appropriated to
14 carry out the provisions of each of sections —
15 103 through 106 that have not been expended
16 or obligated; and

17 (C) the state of public transportation secu-
18 rity in the United States.

19 (b) ANNUAL REPORT TO GOVERNORS.—

20 (1) IN GENERAL.—Not later than March 31 of
21 each year, the Secretary of Homeland Security shall
22 submit a report to the Governor of each State with
23 a public transportation agency that has received a
24 grant under this title.

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

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

5 (B) the use of such grant funds.

6 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

8 There are authorized to be appropriated \$2,370,000,000
9 for fiscal year 2007 to carry out the provisions of section
10 104(a), which shall remain available until expended.

11 (b) OPERATIONAL SECURITY ASSISTANCE PRO-

12 GRAM.—There are authorized to be appropriated to carry
13 out the provisions of section 104(b)—

14 (1) \$534,000,000 for fiscal year 2007;

15 (2) \$333,000,000 for fiscal year 2008; and

16 (3) \$133,000,000 for fiscal year 2009.

17 (c) INTELLIGENCE.—There are authorized to be ap-

18 propriated such sums as may be necessary to carry out
19 the provisions of section 105.

20 (d) RESEARCH.—There are authorized to be appro-

21 priated \$130,000,000 for fiscal year 2007 to carry out the
22 provisions of section 106, which shall remain available
23 until expended.

1 **SEC. 109. SUNSET PROVISION.**

2 The authority to make grants under this title shall
3 expire on October 1, 2009.

4 **TITLE II—IMPROVED RAIL**
5 **SECURITY**

6 **SEC. 201. SHORT TITLE.**

7 This title may be cited as the “Rail Security Act of
8 2006”.

9 **SEC. 202. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
10 **MENT.**

11 (a) IN GENERAL.—

12 (1) VULNERABILITY AND RISK ASSESSMENT.—

13 The Secretary of Homeland Security shall establish
14 a task force, including the Transportation Security
15 Administration, the Department of Transportation,
16 and other appropriate agencies, to complete a vul-
17 nerability and risk assessment of freight and pas-
18 senger rail transportation (encompassing railroads,
19 as that term is defined in section 20102(1) of title
20 49, United States Code). The assessment shall in-
21 clude—

22 (A) a methodology for conducting the risk
23 assessment, including timelines, that addresses
24 how the Department of Homeland Security will
25 work with the entities describe in subsection (b)
26 and make use of existing Federal expertise

1 within the Department of Homeland Security,
2 the Department of Transportation, and other
3 appropriate agencies;

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

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

8 (D) identification of vulnerabilities and
9 risks that are specific to the transportation of
10 hazardous materials via railroad;

11 (E) identification of security weaknesses in
12 passenger and cargo security, transportation in-
13 frastructure, protection systems, procedural
14 policies, communications systems, employee
15 training, emergency response planning, and any
16 other area identified by the assessment; and

17 (F) an account of actions taken or planned by
18 both public and private entities to address identified
19 rail security issues and assess the effective integra-
20 tion of such actions.

21 (2) RECOMMENDATIONS.—Based on the assess-
22 ment conducted under paragraph (1), the Secretary,
23 in consultation with the Secretary of Transportation,
24 shall develop prioritized recommendations for im-

1 proving rail security, including any recommendations
2 the Secretary has for—

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

12 (B) deploying equipment to detect explo-
13 sives and hazardous chemical, biological, and
14 radioactive substances, and any appropriate
15 countermeasures;

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

19 (D) conducting public outreach campaigns
20 on passenger railroads;

21 (E) deploying surveillance equipment; and

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

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

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

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

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

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

21 (ii) methods of continuing railroad
22 service in the Northeast Corridor in the
23 event of a commercial power loss, or catas-
24 trophe affecting a critical bridge, tunnel,
25 yard, or station.

1 (b) CONSULTATION; USE OF EXISTING RE-
2 SOURCES.—In carrying out the assessment and developing
3 the recommendations and plans required by subsection
4 (a), the Secretary of Homeland Security shall consult with
5 rail management, rail labor, owners or lessors of rail cars
6 used to transport hazardous materials, first responders,
7 shippers of hazardous materials, public safety officials,
8 and other relevant parties.

9 (c) REPORT.—

10 (1) CONTENTS.—Within 180 days after the
11 date of enactment of this Act, the Secretary shall
12 transmit to the Senate Committee on Commerce,
13 Science, and Transportation, the House of Rep-
14 resentatives Committee on Transportation and In-
15 frastructure, and the House of Representatives Com-
16 mittee on Homeland Security a report containing the
17 assessment, prioritized recommendations, and plans
18 required by subsection (a) and an estimate of the
19 cost to implement such recommendations.

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

24 (d) ANNUAL UPDATES.—The Secretary, in consulta-
25 tion with the Secretary of Transportation, shall update the

1 assessment and recommendations each year and transmit
2 a report, which may be submitted in both classified and
3 redacted formats, to the Committees named in subsection
4 (c)(1), containing the updated assessment and rec-
5 ommendations.

6 (e) FUNDING.—Out of funds appropriated pursuant
7 to section 114(u)(2) of title 49, United States Code, there
8 shall be made available to the Secretary of Homeland Se-
9 curity to carry out this section \$5,000,000 for fiscal year
10 2007.

11 **SEC. 203. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

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

17 (1) to secure major tunnel access points and en-
18 sure tunnel integrity in New York, Baltimore, and
19 Washington, DC;

20 (2) to secure Amtrak trains;

21 (3) to secure Amtrak stations;

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

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

4 (6) to hire additional police and security offi-
5 cers, including canine units;

6 (7) to expand emergency preparedness efforts;
7 and

8 (8) for employee security training.

9 (b) CONDITIONS.—The Secretary of Transportation
10 shall disburse funds to Amtrak provided under subsection
11 (a) for projects contained in a systemwide security plan
12 approved by the Secretary of Homeland Security. The
13 plan shall include appropriate measures to address secu-
14 rity awareness, emergency response, and passenger evacu-
15 ation training.

16 (c) EQUITABLE GEOGRAPHIC ALLOCATION.—The
17 Secretary shall ensure that, subject to meeting the highest
18 security needs on Amtrak’s entire system and consistent
19 with the risk assessment required under section 202, sta-
20 tions and facilities located outside of the Northeast Cor-
21 ridor receive an equitable share of the security funds au-
22 thorized by this section.

23 (d) AVAILABILITY OF FUNDS.—Out of funds appro-
24 priated pursuant to section 114(u)(2) of title 49, United
25 States Code, there shall be made available to the Secretary

1 of Homeland Security and the Assistant Secretary of
2 Homeland Security (Transportation Security Administra-
3 tion) to carry out this section—

- 4 (1) \$63,500,000 for fiscal year 2007;
- 5 (2) \$30,000,000 for fiscal year 2008; and
- 6 (3) \$30,000,000 for fiscal year 2009.

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

9 **SEC. 204. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

10 (a) LIFE-SAFETY NEEDS.—The Secretary of Trans-
11 portation, in consultation with the Secretary of Homeland
12 Security, is authorized to make grants to Amtrak for the
13 purpose of making fire and life-safety improvements to
14 Amtrak tunnels on the Northeast Corridor in New York,
15 NY, Baltimore, MD, and Washington, DC.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—Out of
17 funds appropriated pursuant to section 102 of this Act,
18 there shall be made available to the Secretary of Transpor-
19 tation for the purposes of carrying out subsection (a) the
20 following amounts:

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

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

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

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

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

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

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

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

11 (3) For the Washington, DC, Union Station
12 tunnels to improve ventilation, communication, light-
13 ing, and passenger egress upgrades—

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

15 (B) \$13,333,000 for fiscal year 2008; and

16 (C) \$13,333,000 for fiscal year 2009.

17 (c) INFRASTRUCTURE UPGRADES.—Out of funds ap-
18 propriated pursuant to section 102 of this Act, there shall
19 be made available to the Secretary of Transportation for
20 fiscal year 2007 \$3,000,000 for the preliminary design of
21 options for a new tunnel on a different alignment to aug-
22 ment the capacity of the existing Baltimore tunnels.

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

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

4 (1) until Amtrak has submitted to the Sec-
5 retary, and the Secretary has approved, an engineer-
6 ing and financial plan for such projects; and

7 (2) unless, for each project funded pursuant to
8 this section, the Secretary has approved a project
9 management plan prepared by Amtrak addressing
10 appropriate project budget, construction schedule,
11 recipient staff organization, document control and
12 record keeping, change order procedure, quality con-
13 trol and assurance, periodic plan updates, and peri-
14 odic status reports.

15 (f) REVIEW OF PLANS.—The Secretary of Transpor-
16 tation shall complete the review of the plans required by
17 paragraphs (1) and (2) of subsection (e) and approve or
18 disapprove the plans within 45 days after the date on
19 which each such plan is submitted by Amtrak. If the Sec-
20 retary determines that a plan is incomplete or deficient,
21 the Secretary shall notify Amtrak of the incomplete items
22 or deficiencies and Amtrak shall, within 30 days after re-
23 ceiving the Secretary's notification, submit a modified
24 plan for the Secretary's review. Within 15 days after re-
25 ceiving additional information on items previously included

1 in the plan, and within 45 days after receiving items newly
2 included in a modified plan, the Secretary shall either ap-
3 prove the modified plan, or, if the Secretary finds the plan
4 is still incomplete or deficient, the Secretary shall identify
5 in writing to the Senate Committee on Commerce, Science,
6 and Transportation, the House of Representatives Com-
7 mittee on Transportation and Infrastructure, and the
8 House of Representatives Committee on Homeland Secu-
9 rity the portions of the plan the Secretary finds incomplete
10 or deficient, approve all other portions of the plan, obligate
11 the funds associated with those other portions, and exe-
12 cute an agreement with Amtrak within 15 days thereafter
13 on a process for resolving the remaining portions of the
14 plan.

15 (g) FINANCIAL CONTRIBUTION FROM OTHER TUN-
16 NEL USERS.—The Secretary shall, taking into account the
17 need for the timely completion of all portions of the tunnel
18 projects described in subsection (a)—

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

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

24 (3) obtain financial contributions or commit-
25 ments from such other rail carriers at levels reflect-

1 ing the extent of their use or planned use of the tun-
2 nels, if feasible.

3 **SEC. 205. FREIGHT AND PASSENGER RAIL SECURITY UP-**
4 **GRADES.**

5 (a) SECURITY IMPROVEMENT GRANTS.—The Sec-
6 retary of Homeland Security, through the Assistant Sec-
7 retary of Homeland Security (Transportation Security Ad-
8 ministration) and other appropriate agencies, is author-
9 ized to make grants to freight railroads, the Alaska Rail-
10 road, hazardous materials shippers, owners of rail cars
11 used in the transportation of hazardous materials, univer-
12 sities, colleges and research centers, State and local gov-
13 ernments (for rail passenger facilities and infrastructure
14 not owned by Amtrak), and, through the Secretary of
15 Transportation, to Amtrak, for full or partial reimburse-
16 ment of costs incurred in the conduct of activities to pre-
17 vent or respond to acts of terrorism, sabotage, or other
18 intercity passenger rail and freight rail security
19 vulnerabilities and risks identified under section 202, in-
20 cluding—

21 (1) security and redundancy for critical commu-
22 nications, computer, and train control systems essen-
23 tial for secure rail operations;

24 (2) accommodation of rail cargo or passenger
25 screening equipment at the United States-Mexico

1 border, the United States-Canada border, or other
2 ports of entry;

3 (3) the security of hazardous material transpor-
4 tation by rail;

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

7 (5) structural modification or replacement of
8 rail cars transporting high hazard materials to im-
9 prove their resistance to acts of terrorism;

10 (6) employee security awareness, preparedness,
11 passenger evacuation, and emergency response train-
12 ing;

13 (7) public security awareness campaigns for
14 passenger train operations;

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

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

20 (10) to hire additional police and security offi-
21 cers, including canine units; and

22 (11) other improvements recommended by the
23 report required by section 202, including infrastruc-
24 ture, facilities, and equipment upgrades.

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

6 (c) ALLOCATION.—The Secretary shall distribute the
7 funds authorized by this section based on risk and vulner-
8 ability as determined under section 202, and shall encour-
9 age non-Federal financial participation in awarding
10 grants. With respect to grants for intercity passenger rail
11 security, the Secretary shall also take into account pas-
12 senger volume and whether a station is used by commuter
13 rail passengers as well as intercity rail passengers.

14 (d) CONDITIONS.—The Secretary of Transportation
15 may not disburse funds to Amtrak under subsection (a)
16 unless Amtrak meets the conditions set forth in section
17 203(b) of this Act.

18 (e) ALLOCATION BETWEEN RAILROADS AND OTH-
19 ERS.—Unless as a result of the assessment required by
20 section 202 the Secretary of Homeland Security deter-
21 mines that critical rail transportation security needs re-
22 quire reimbursement in greater amounts to any eligible
23 entity, no grants under this section may be made—

24 (1) in excess of \$45,000,000 to Amtrak; or

1 (2) in excess of \$80,000,000 for the purposes
2 described in paragraphs (3) and (5) of subsection
3 (a).

4 (f) AUTHORIZATION OF APPROPRIATIONS.—Out of
5 funds appropriated pursuant to section 114(u)(2) of title
6 49, United States Code, there shall be made available to
7 the Secretary of Homeland Security to carry out this sec-
8 tion—

9 (1) \$100,000,000 for fiscal year 2007;

10 (2) \$100,000,000 for fiscal year 2008; and

11 (3) \$100,000,000 for fiscal year 2009.

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

14 (g) HIGH HAZARD MATERIALS DEFINED.—In this
15 section, the term “high hazard materials” means quan-
16 tities of poison inhalation hazard materials, Class 2.3
17 gases, Class 6.1 materials, and anhydrous ammonia that
18 the Secretary, in consultation with the Secretary of Trans-
19 portation, determines pose a security risk.

20 **SEC. 206. RAIL SECURITY RESEARCH AND DEVELOPMENT.**

21 (a) ESTABLISHMENT OF RESEARCH AND DEVELOP-
22 MENT PROGRAM.—The Secretary of Homeland Security,
23 through the Under Secretary for Science and Technology
24 and the Assistant Secretary of Homeland Security (Trans-
25 portation Security Administration), in consultation with

1 the Secretary of Transportation shall carry out a research
2 and development program for the purpose of improving
3 freight and intercity passenger rail security that may in-
4 clude research and development projects to—

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

8 (2) test new emergency response techniques and
9 technologies;

10 (3) develop improved freight technologies, in-
11 cluding—

12 (A) technologies for sealing rail cars;

13 (B) automatic inspection of rail cars;

14 (C) communication-based train controls;

15 and

16 (D) emergency response training;

17 (4) test wayside detectors that can detect tam-
18 pering with railroad equipment;

19 (5) support enhanced security for the transpor-
20 tation of hazardous materials by rail, including—

21 (A) technologies to detect a breach in a
22 tank car or other rail car used to transport haz-
23 ardous materials and transmit information
24 about the integrity of cars to the train crew or
25 dispatcher;

1 (B) research to improve tank car integrity,
2 with a focus on tank cars that carry high haz-
3 ard materials (as defined in section 205(g) of
4 this Act; and

5 (C) techniques to transfer hazardous mate-
6 rials from rail cars that are damaged or other-
7 wise represent an unreasonable risk to human
8 life or public safety; and

9 (6) other projects that address vulnerabilities
10 and risks identified under section 202.

11 (b) COORDINATION WITH OTHER RESEARCH INITIA-
12 TIVES.—The Secretary of Homeland Security shall ensure
13 that the research and development program authorized by
14 this section is coordinated with other research and devel-
15 opment initiatives at the Department of Homeland Secu-
16 rity and the Department of Transportation. The Secretary
17 shall carry out any research and development project au-
18 thorized by this section through a reimbursable agreement
19 with the Secretary of Transportation, if the Secretary of
20 Transportation—

21 (1) is already sponsoring a research and devel-
22 opment project in a similar area; or

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

1 (c) GRANTS AND ACCOUNTABILITY.—To carry out
2 the research and development program, the Secretary may
3 award grants to the entities described in section 205(a)
4 and shall adopt necessary procedures, including audits, to
5 ensure that grants made under this section are expended
6 in accordance with the purposes of this Act and the prior-
7 ities and other criteria developed by the Secretary.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—Out of
9 funds appropriated pursuant to section 114(u)(4) of title
10 49, United States Code, there shall be made available to
11 the Secretary of Homeland Security to carry out this sec-
12 tion—

13 (1) \$35,000,000 for fiscal year 2007;

14 (2) \$35,000,000 for fiscal year 2008; and

15 (3) \$35,000,000 for fiscal year 2009.

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

18 **SEC. 207. OVERSIGHT AND GRANT PROCEDURES.**

19 (a) SECRETARIAL OVERSIGHT.—The Secretary of
20 Homeland Security may use up to 0.5 percent of amounts
21 made available for capital projects under the Rail Security
22 Act of 2006 to enter into contracts for the review of pro-
23 posed capital projects and related program management
24 plans and to oversee construction of such projects.

1 (b) USE OF FUNDS.—The Secretary may use
2 amounts available under subsection (a) of this subsection
3 to make contracts to audit and review the safety, procure-
4 ment, management, and financial compliance of a recipi-
5 ent of amounts under this Act.

6 (c) PROCEDURES FOR GRANT AWARD.—The Sec-
7 retary shall, within 90 days after the date of enactment
8 of this Act, prescribe procedures and schedules for the
9 awarding of grants under this Act, including application
10 and qualification procedures (including a requirement that
11 the applicant have a security plan), and a record of deci-
12 sion on applicant eligibility. The procedures shall include
13 the execution of a grant agreement between the grant re-
14 cipient and the Secretary and shall be consistent, to the
15 extent practicable, with the grant procedures established
16 under section 70107 of title 46, United States Code.

17 **SEC. 208. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
18 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
19 **CIDENTS.**

20 (a) IN GENERAL.—Chapter 243 of title 49, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

1 **“§ 24316. Plans to address needs of families of pas-**
2 **sengers involved in rail passenger acci-**
3 **dents**

4 “(a) SUBMISSION OF PLAN.—Not later than 6
5 months after the date of the enactment of the Rail Secu-
6 rity Act of 2006, Amtrak shall submit to the Chairman
7 of the National Transportation Safety Board, the Sec-
8 retary of Transportation, and the Secretary of Homeland
9 Security a plan for addressing the needs of the families
10 of passengers involved in any rail passenger accident in-
11 volving an Amtrak intercity train and resulting in a loss
12 of life.

13 “(b) CONTENTS OF PLANS.—The plan to be sub-
14 mitted by Amtrak under subsection (a) shall include, at
15 a minimum, the following:

16 “(1) A process by which Amtrak will maintain
17 and provide to the National Transportation Safety
18 Board and the Secretary of Transportation, imme-
19 diately upon request, a list (which is based on the
20 best available information at the time of the request)
21 of the names of the passengers aboard the train
22 (whether or not such names have been verified), and
23 will periodically update the list. The plan shall in-
24 clude a procedure, with respect to unreserved trains
25 and passengers not holding reservations on other
26 trains, for Amtrak to use reasonable efforts to ascer-

1 tain the number and names of passengers aboard a
2 train involved in an accident.

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

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

11 “(4) A process for providing the notice de-
12 scribed in paragraph (2) to the family of a pas-
13 senger as soon as Amtrak has verified that the pas-
14 senger was aboard the train (whether or not the
15 names of all of the passengers have been verified).

16 “(5) A process by which the family of each pas-
17 senger will be consulted about the disposition of all
18 remains and personal effects of the passenger within
19 Amtrak’s control; that any possession of the pas-
20 senger within Amtrak’s control will be returned to
21 the family unless the possession is needed for the ac-
22 cident investigation or any criminal investigation;
23 and that any unclaimed possession of a passenger
24 within Amtrak’s control will be retained by the rail
25 passenger carrier for at least 18 months.

1 “(6) A process by which the treatment of the
2 families of nonrevenue passengers will be the same
3 as the treatment of the families of revenue pas-
4 sengers.

5 “(7) An assurance that Amtrak will provide
6 adequate training to its employees and agents to
7 meet the needs of survivors and family members fol-
8 lowing an accident.

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

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

23 “(e) LIMITATION ON STATUTORY CONSTRUCTION.—
24 Nothing in this section may be construed as limiting the
25 actions that Amtrak may take, or the obligations that Am-

1 trak may have, in providing assistance to the families of
2 passengers involved in a rail passenger accident.

3 “(f) FUNDING.—Out of funds appropriated pursuant
4 to section 102 of the Rail Security Act of 2006, there shall
5 be made available to the Secretary of Transportation for
6 the use of Amtrak \$500,000 for fiscal year 2007 to carry
7 out this section. Amounts made available pursuant to this
8 subsection shall remain available until expended.”.

9 (b) CONFORMING AMENDMENT.—The chapter anal-
10 ysis for chapter 243 of title 49, United States Code, is
11 amended by adding at the end the following:

“24316. Plan to assist families of passengers involved in rail passenger acci-
dents.”.

12 **SEC. 209. NORTHERN BORDER RAIL PASSENGER REPORT.**

13 Within 180 days after the date of enactment of this
14 Act, the Secretary of Homeland Security, in consultation
15 with the Assistant Secretary of Homeland Security
16 (Transportation Security Administration), the Secretary
17 of Transportation, heads of other appropriate Federal de-
18 partments, and agencies and the National Railroad Pas-
19 senger Corporation, shall transmit a report to the Senate
20 Committee on Commerce, Science, and Transportation,
21 the House of Representatives Committee on Transpor-
22 tation and Infrastructure, and the House of Representa-
23 tives Committee on Homeland Security that contains—

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

4 (2) an assessment of the current program to
5 provide preclearance of airline passengers between
6 the United States and Canada as outlined in “The
7 Agreement on Air Transport Preclearance between
8 the Government of Canada and the Government of
9 the United States of America”, dated January 18,
10 2001;

11 (3) an assessment of the current program to
12 provide preclearance of freight railroad traffic be-
13 tween the United States and Canada as outlined in
14 the “Declaration of Principle for the Improved Secu-
15 rity of Rail Shipments by Canadian National Rail-
16 way and Canadian Pacific Railway from Canada to
17 the United States”, dated April 2, 2003;

18 (4) information on progress by the Department
19 of Homeland Security and other Federal agencies to-
20 wards finalizing a bilateral protocol with Canada
21 that would provide for preclearance of passengers on
22 trains operating between the United States and Can-
23 ada;

24 (5) a description of legislative, regulatory,
25 budgetary, or policy barriers within the United

1 States Government to providing pre-screened pas-
2 senger lists for rail passengers traveling between the
3 United States and Canada to the Department of
4 Homeland Security;

5 (6) a description of the position of the Govern-
6 ment of Canada and relevant Canadian agencies
7 with respect to preclearance of such passengers;

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

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

15 **SEC. 210. RAIL WORKER SECURITY TRAINING PROGRAM.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of enactment of this Act, the Secretary of Homeland
18 Security and the Secretary of Transportation, in consulta-
19 tion with appropriate law enforcement, security, and ter-
20 rorism experts, representatives of railroad carriers, and
21 nonprofit employee organizations that represent rail work-
22 ers, shall develop and issue detailed guidance for a rail
23 worker security training program to prepare front-line
24 workers for potential threat conditions. The guidance shall

1 take into consideration any current security training re-
2 quirements or best practices.

3 (b) PROGRAM ELEMENTS.—The guidance developed
4 under subsection (a) shall include elements, as appropriate
5 to passenger and freight rail service, that address the fol-
6 lowing:

7 (1) Determination of the seriousness of any oc-
8 currence.

9 (2) Crew communication and coordination.

10 (3) Appropriate responses to defend or protect
11 oneself.

12 (4) Use of protective devices.

13 (5) Evacuation procedures.

14 (6) Psychology of terrorists to cope with hi-
15 jacker behavior and passenger responses.

16 (7) Situational training exercises regarding var-
17 ious threat conditions.

18 (8) Any other subject the Secretary considers
19 appropriate.

20 (c) RAILROAD CARRIER PROGRAMS.—Not later than
21 90 days after the Secretary of Homeland Security issues
22 guidance under subsection (a) in final form, each railroad
23 carrier shall develop a rail worker security training pro-
24 gram in accordance with that guidance and submit it to
25 the Secretary for review. Not later than 30 days after re-

1 ceiving a railroad carrier's program under this subsection,
2 the Secretary shall review the program and transmit com-
3 ments to the railroad carrier concerning any revisions the
4 Secretary considers necessary for the program to meet the
5 guidance requirements. A railroad carrier shall respond to
6 the Secretary's comments within 30 days after receiving
7 them.

8 (d) TRAINING.—Not later than 1 year after the Sec-
9 retary reviews the training program developed by a rail-
10 road carrier under this section, the railroad carrier shall
11 complete the training of all front-line workers in accord-
12 ance with that program. The Secretary shall review imple-
13 mentation of the training program of a representative
14 sample of railroad carriers and report to the Senate Com-
15 mittee on Commerce, Science, and Transportation, the
16 House of Representatives Committee on Transportation
17 and Infrastructure, and the House of Representatives
18 Committee on Homeland Security on the number of re-
19 views conducted and the results. The Secretary may sub-
20 mit the report in both classified and redacted formats as
21 necessary.

22 (e) UPDATES.—The Secretary shall update the train-
23 ing guidance issued under subsection (a) as appropriate
24 to reflect new or different security threats. Railroad car-
25 riers shall revise their programs accordingly and provide

1 additional training to their front-line workers within a rea-
2 sonable time after the guidance is updated.

3 (f) FRONT-LINE WORKERS DEFINED.—In this sec-
4 tion, the term “front-line workers” means security per-
5 sonnel, dispatchers, train operators, other onboard em-
6 ployees, maintenance and maintenance support personnel,
7 bridge tenders, as well as other appropriate employees of
8 railroad carriers, as defined by the Secretary.

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

13 **SEC. 211. WHISTLEBLOWER PROTECTION PROGRAM.**

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

17 **“§ 20118. Whistleblower protection for rail security**
18 **matters**

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

24 “(1) provided, caused to be provided, or is
25 about to provide or cause to be provided, to the em-

1 ployer or the Federal Government information relat-
2 ing to a reasonably perceived threat, in good faith,
3 to security; or

4 “(2) provided, caused to be provided, or is
5 about to provide or cause to be provided, testimony
6 before Congress or at any Federal or State pro-
7 ceeding regarding a reasonably perceived threat, in
8 good faith, to security; or

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

11 “(b) DISPUTE RESOLUTION.—A dispute, grievance,
12 or claim arising under this section is subject to resolution
13 under section 3 of the Railway Labor Act (45 U.S.C. 153).
14 In a proceeding by the National Railroad Adjustment
15 Board, a division or delegate of the Board, or another
16 board of adjustment established under section 3 to resolve
17 the dispute, grievance, or claim the proceeding shall be
18 expedited and the dispute, grievance, or claim shall be re-
19 solved not later than 180 days after it is filed. If the viola-
20 tion is a form of discrimination that does not involve dis-
21 charge, suspension, or another action affecting pay, and
22 no other remedy is available under this subsection, the
23 Board, division, delegate, or other board of adjustment
24 may award the employee reasonable damages, including
25 punitive damages, of not more than \$20,000.

1 “(c) PROCEDURAL REQUIREMENTS.—Except as pro-
2 vided in subsection (b), the procedure set forth in section
3 42121(b)(2)(B) of this title, including the burdens of
4 proof, applies to any complaint brought under this section.

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

9 “(e) DISCLOSURE OF IDENTITY.—

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

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

20 (b) CONFORMING AMENDMENT.—The chapter anal-
21 ysis for chapter 201 of title 49, United States Code, is
22 amended by inserting after the item relating to section
23 20117 the following:

“20118. Whistleblower protection for rail security matters.”.

1 **SEC. 212. HIGH HAZARD MATERIAL SECURITY THREAT**
2 **MITIGATION PLANS.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity, in consultation with the Assistant Secretary of Home-
5 land Security (Transportation Security Administration)
6 and the Secretary of Transportation, shall require rail car-
7 riers transporting a high hazard material, as defined in
8 section 205(g) of this Act and of a quantity equal or ex-
9 ceeding the quantities of such material listed in subpart
10 172.800, title 49, Federal Code of Regulations, to develop
11 a high hazard material security threat mitigation plan
12 containing appropriate measures, including alternative
13 routing and temporary shipment suspension options, to
14 address assessed risks to high consequence targets. The
15 plan, and any information submitted to the Secretary
16 under this section shall be protected as sensitive security
17 information under the regulations prescribed under sec-
18 tion 114(s) of title 49, United States Code.

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

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

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

6 (c) COMPLETION AND REVIEW OF PLANS.—

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

9 (A) submit a list of routes used to trans-
10 port high hazard materials to the Secretary of
11 Homeland Security within 60 days after the
12 date of enactment of this Act;

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

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

21 (2) REVIEW AND UPDATES.—The Secretary,
22 with assistance of the Secretary of Transportation,
23 shall review the plans and transmit comments to the
24 railroad carrier concerning any revisions the Sec-
25 retary considers necessary. A railroad carrier shall

1 respond to the Secretary’s comments within 30 days
2 after receiving them. Each rail carrier shall update
3 and resubmit its plan for review not less than every
4 2 years.

5 (d) DEFINITIONS.—In this section:

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

12 (A) catastrophic loss of life; and

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

15 (C) national economic harm.

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

22 (A) loss of life; or

23 (B) significant damage to property or
24 structures.

1 (3) The term “rail carrier” has the meaning
2 given that term by section 10102(5) of title 49,
3 United States Code.

4 **SEC. 213. MEMORANDUM OF AGREEMENT.**

5 (a) MEMORANDUM OF AGREEMENT.—Similar to the
6 public transportation security annex between the two de-
7 partments signed on September 8, 2005, within 1 year
8 after the date of enactment of this Act, the Secretary of
9 Transportation and the Secretary of Homeland Security
10 shall execute and develop an annex to the memorandum
11 of agreement between the two departments signed on Sep-
12 tember 28, 2004, governing the specific roles, delineations
13 of responsibilities, resources and commitments of the De-
14 partment of Transportation and the Department of Home-
15 land Security, respectively, in addressing railroad trans-
16 portation security matters, including the processes the de-
17 partments will follow to promote communications, effi-
18 ciency, and nonduplication of effort.

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

23 **SEC. 214. RAIL SECURITY ENHANCEMENTS.**

24 (a) RAIL POLICE OFFICERS.—Section 28101 of title
25 49, United States Code, is amended—

1 (1) by inserting “(a) IN GENERAL.—” before
2 “Under”; and

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

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

14 **SEC. 215. PUBLIC AWARENESS.**

15 Not later than 90 days after the date of enactment
16 of this Act, the Secretary of Homeland Security, in con-
17 sultation with the Secretary of Transportation, shall de-
18 velop a national plan for public outreach and awareness.
19 Such plan shall be designed to increase awareness of
20 measures that the general public, railroad passengers, and
21 railroad employees can take to increase railroad system
22 security. Such plan shall also provide outreach to railroad
23 carriers and their employees to improve their awareness
24 of available technologies, ongoing research and develop-
25 ment efforts, and available Federal funding sources to im-

1 prove railroad security. Not later than 9 months after the
2 date of enactment of this Act, the Secretary of Homeland
3 Security shall implement the plan developed under this
4 section.

5 **SEC. 216. RAILROAD HIGH HAZARD MATERIAL TRACKING.**

6 (a) WIRELESS COMMUNICATIONS.—

7 (1) IN GENERAL.—In conjunction with the re-
8 search and development program established under
9 section 206 and consistent with the results of re-
10 search relating to wireless tracking technologies, the
11 Secretary of Homeland Security, in consultation
12 with the Assistant Secretary of Homeland Security
13 (Transportation Security Administration), shall de-
14 velop a program that will encourage the equipping of
15 rail cars transporting high hazard materials (as de-
16 fined in section 205(g) of this Act) in quantities
17 equal to or greater than the quantities specified in
18 subpart 171.800 of title 49, Code of Federal Regula-
19 tions, with wireless terrestrial or satellite commu-
20 nications technology that provides—

21 (A) car position location and tracking ca-
22 pabilities;

23 (B) notification of rail car depressuriza-
24 tion, breach, or unsafe temperature; and

1 (C) notification of hazardous material re-
2 lease.

3 (2) COORDINATION.—In developing the pro-
4 gram required by paragraph (1), the Secretary
5 shall—

6 (A) consult with the Secretary of Trans-
7 portation to coordinate the program with any
8 ongoing or planned efforts for rail car tracking
9 at the Department of Transportation; and

10 (B) ensure that the program is consistent
11 with recommendations and findings of the De-
12 partment of Homeland Security’s hazardous
13 material tank rail car tracking pilot programs.

14 (b) FUNDING.—Out of funds appropriated pursuant
15 to section 114(u)(2) of title 49, United States Code, there
16 shall be made available to the Secretary of Homeland Se-
17 curity to carry out this section \$3,000,000 for each of fis-
18 cal years 2007, 2008, and 2009.

19 **SEC. 217. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) TRANSPORTATION SECURITY ADMINISTRATION
21 AUTHORIZATION.—Section 114 of title 49, United States
22 Code, is amended by adding at the end thereof the fol-
23 lowing:

24 “(u) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Secretary of

1 Homeland Security, (Transportation Security Administra-
2 tion) for rail security—

3 “(1) \$206,500,000 for fiscal year 2007;

4 “(2) \$168,000,000 for fiscal year 2008; and

5 “(3) \$168,000,000 for fiscal year 2009.”.

6 (b) DEPARTMENT OF TRANSPORTATION.—There are
7 authorized to be appropriated to the Secretary of Trans-
8 portation to carry out this title and sections 20118 and
9 24316 of title 49, United States Code, as added by this
10 title—

11 (1) \$225,000,000 for fiscal year 2007;

12 (2) \$223,000,000 for fiscal year 2008; and

13 (3) \$223,000,000 for fiscal year 2009.

14 **TITLE III—IMPROVED MARITIME**
15 **SECURITY**

16 **SEC. 300. SHORT TITLE.**

17 This title may be cited as the “Maritime Security Im-
18 provement Act of 2006”.

19 **SEC. 301. ESTABLISHMENT OF ADDITIONAL INTERAGENCY**
20 **OPERATIONAL CENTERS FOR PORT SECU-**
21 **RITY.**

22 (a) IN GENERAL.—In order to improve interagency
23 cooperation, unity of command, and the sharing of intel-
24 ligence information in a common mission to provide great-
25 er protection for port and intermodal transportation sys-

1 tems against acts of terrorism, the Secretary of Homeland
2 Security, acting through the Commandant of the Coast
3 Guard, shall establish interagency operational centers for
4 port security at all high priority ports.

5 (b) CHARACTERISTICS.—The interagency operational
6 centers shall—

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

13 (2) be adapted to meet the security needs, re-
14 quirements, and resources of the individual port area
15 at which each is operating;

16 (3) provide for participation by representatives
17 of the United States Customs and Border Protec-
18 tion, the Transportation Security Administration,
19 the Department of Defense, and other Federal agen-
20 cies, as determined to be appropriate by the Sec-
21 retary of Homeland Security, and State and local
22 law enforcement or port security agencies and per-
23 sonnel; and

24 (4) be incorporated in the implementation of—

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

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

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

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

10 (E) the United States Customs and Border
11 Protection's screening and high-risk cargo in-
12 spection programs; and

13 (F) the transportation security incident re-
14 sponse plans required by section 70104 of that
15 title.

16 (c) 2005 ACT REPORT REQUIREMENT.—Nothing in
17 this section relieves the Commandant of the Coast Guard
18 from compliance with the requirements of section 807 of
19 the Coast Guard and Maritime Transportation Act of
20 2004. The Commandant shall utilize the information de-
21 veloped in making the report required by that section in
22 carrying out the requirements of this section.

23 (d) BUDGET AND COST-SHARING ANALYSIS.—Within
24 180 days after the date of enactment of this Act, the Sec-
25 retary shall transmit to the Senate Committee on Com-

1 merce, Science, and Transportation, the House of Rep-
2 resentatives Committee on Transportation and Infrastruc-
3 ture, and the House of Representatives Committee on
4 Homeland Security a proposed budget analysis for imple-
5 menting subsection (a), including cost-sharing arrange-
6 ments with other Federal departments and agencies in-
7 volved in the interagency operation of the centers.

8 **SEC. 302. AREA MARITIME TRANSPORTATION SECURITY**
9 **PLAN TO INCLUDE SALVAGE RESPONSE**
10 **PLAN.**

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

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

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

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

19 “(F) include a salvage response plan—

20 “(i) to identify salvage equipment ca-
21 pable of restoring operational trade capac-
22 ity; and

23 “(ii) to ensure that the flow of cargo
24 through United States ports is re-estab-

1 lished as efficiently and quickly as possible
2 after a transportation security incident.”.

3 **SEC. 303. POST-INCIDENT RESUMPTION OF TRADE.**

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

10 “(i) vessels that have a vessel security plan
11 approved under subsection (c);

12 “(ii) vessels manned by individuals who are
13 described in section 70105(b)(2)(B) and who
14 have undergone a background records check
15 under section 70105(d) or who hold transpor-
16 tation security cards issued under section
17 70105; and

18 “(iii) vessels on which all the cargo has un-
19 dergone screening and inspection under stand-
20 ards and procedures established under section
21 70116(b)(2) of this title.”.

22 **SEC. 304. ASSISTANCE FOR FOREIGN PORTS.**

23 (a) IN GENERAL.—Section 70109 of title 46, United
24 States Code, is amended—

1 (1) by striking the section heading and insert-
2 ing the following:

3 **“§ 70109. International cooperation and coordina-**
4 **tion” ; and**

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

6 “(c) FOREIGN ASSISTANCE PROGRAMS.—

7 “(1) IN GENERAL.—The Secretary, in consulta-
8 tion with the Secretary of Transportation, the Sec-
9 retary of State, the Secretary of Energy, and the
10 Commandant of the United States Coast Guard,
11 shall identify foreign assistance programs that could
12 facilitate implementation of port security
13 antiterrorism measures in foreign countries. The
14 Secretary shall establish a program to utilize those
15 programs that are capable of implementing port se-
16 curity antiterrorism measures at ports in foreign
17 countries that the Secretary finds, under section
18 70108, to lack effective antiterrorism measures.

19 “(2) CARIBBEAN BASIN.—The Secretary, in co-
20 ordination with the Secretary of State and in con-
21 sultation with the Organization of American States
22 and the Commandant of the United States Coast
23 Guard, shall place particular emphasis on utilizing
24 programs to facilitate the implementation of port se-
25 curity antiterrorism measures at the ports located in

1 the Caribbean Basin, as such ports pose unique se-
2 curity and safety threats to the United States due
3 to—

4 “(A) the strategic location of such ports
5 between South America and United States;

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

8 “(C) the significant number of shipments
9 of narcotics to the United States that are
10 moved through such ports.

11 “(d) INTERNATIONAL CARGO SECURITY STAND-
12 ARDS.—The Secretary of State, in consultation with the
13 Secretary acting through the Commissioner of Customs
14 and Border Protection, shall enter into negotiations with
15 foreign governments and international organizations, in-
16 cluding the International Maritime Organization, the
17 World Customs Organization, the International Labor Or-
18 ganization, and the International Standards Organization,
19 as appropriate—

20 “(1) to promote standards for the security of
21 containers and other cargo moving within the inter-
22 national supply chain;

23 “(2) to encourage compliance with minimum
24 technical requirements for the capabilities of non-
25 intrusive inspection equipment, including imaging

1 and radiation detection devices, established under
2 section 306 of the Maritime Security Improvement
3 Act of 2006;

4 “(3) to implement the requirements of the con-
5 tainer security initiative under section 70121; and

6 “(4) to implement standards and procedures es-
7 tablished under section 70116.”.

8 (b) REPORT ON SECURITY AT PORTS IN THE CARIB-
9 BEAN BASIN.—Not later than 180 days after the date of
10 enactment of this Act, the Comptroller General shall sub-
11 mit to the Senate Committee on Commerce, Science, and
12 Transportation, the House of Representatives Committee
13 on Transportation and Infrastructure, and the House of
14 Representatives Committee on Homeland Security a re-
15 port on the security of ports in the Caribbean Basin. The
16 report—

17 (1) shall include—

18 (A) an assessment of the effectiveness of
19 the measures employed to improve security at
20 ports in the Caribbean Basin and recommenda-
21 tions for any additional measures to improve
22 such security;

23 (B) an estimate of the number of ports in
24 the Caribbean Basin that will not be secured by
25 January 1, 2007, and an estimate of the finan-

1 States via cargo container to supply entry data not later
2 than 24 hours before loading a container under the ad-
3 vance notification requirements under section 484(a)(2) of
4 the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)).

5 (b) DEADLINE.—The requirement imposed under
6 subsection (a) shall apply to goods entered after July 1,
7 2006.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) There are authorized to be appropriated to
10 the Secretary of Homeland Security to carry out the
11 automated targeting system program to identify
12 high-risk oceanborne container cargo for inspec-
13 tion—

14 (A) \$30,700,000 for fiscal year 2007;

15 (B) \$33,200,000 for fiscal year 2008; and

16 (C) \$35,700,000 for fiscal year 2009.

17 (2) The amounts authorized by this subsection
18 shall be in addition to any other amounts authorized
19 to be appropriated to carry out that program.

20 **SEC. 306. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE**
21 **INSPECTION EQUIPMENT.**

22 Within 2 years after the date of enactment of this
23 Act, the Commissioner of Customs and Border Protection,
24 in consultation with the National Institute of Science and
25 Technology, shall initiate a rulemaking to establish min-

1 imum technical requirements for the capabilities of non-
2 intrusive inspection equipment, including imaging and ra-
3 diation detection devices, that help ensure that all equip-
4 ment used can detect risks and threats as determined ap-
5 propriate by the Secretary, while considering the need not
6 to endorse specific companies or to create sovereignty con-
7 flicts with participating countries.

8 **SEC. 307. RANDOM INSPECTION OF CONTAINERS.**

9 Within 1 year after the date of enactment of this Act,
10 the Commissioner of Customs and Border Protection shall
11 develop and implement a plan, utilizing best practices for
12 empirical scientific research design and random sampling
13 standards for random physical inspection of shipping con-
14 tainers in addition to any targeted or pre-shipment inspec-
15 tion of such containers required by law or regulation or
16 conducted under any other program conducted by the
17 Commissioner. Nothing in this section shall be construed
18 to mean that implementation of the random sampling plan
19 would preclude the additional physical inspection of ship-
20 ping containers not inspected pursuant to the plan.

21 **SEC. 308. CARGO SECURITY.**

22 (a) IN GENERAL.—Chapter 701 of title 46, United
23 States Code, is amended—

24 (1) by redesignating the second section 70118
25 (relating to withholding of clearance), as added by

1 section 802(a)(2) of the Coast Guard and Maritime
2 Transportation Act of 2004, as section 70119;

3 (2) by redesignating the first section 70119 (re-
4 lating to enforcement by State and local officers), as
5 added by section 801(a) of the Coast Guard and
6 Maritime Transportation Act of 2004, as section
7 70120;

8 (3) by redesignating the second section 70119
9 (relating to civil penalty), as redesignated by section
10 802(a)(1) of the Coast Guard and Maritime Trans-
11 portation Act of 2004, as section 70122; and

12 (4) by inserting after section 70120, as redesign-
13 nated by paragraph (2), the following:

14 **“§ 70121. Container security initiative**

15 “(a) IN GENERAL.—Pursuant to the standards estab-
16 lished under subsection (b)(1) of section 70116—

17 “(1) the Secretary, through the Commissioner
18 of Customs and Border Protection, shall issue regu-
19 lations to—

20 “(A) evaluate and screen cargo documents
21 prior to loading in a foreign port for shipment
22 to the United States, either directly or via a
23 foreign port; and

24 “(B) inspect high-risk cargo in a foreign
25 port intended for shipment to the United States

1 by physical examination or nonintrusive exam-
2 ination by technological means; and

3 “(2) the Commissioner of Customs and Border
4 Protection shall execute inspection and screening
5 protocols with authorities in foreign ports to ensure
6 that the standards and procedures promulgated
7 under paragraph (1) are implemented in an effective
8 manner.

9 “(b) EXTENSION OF CONTAINER SECURITY INITIA-
10 TIVE TO OTHER PORTS.—The Secretary, through the
11 Commissioner of Customs and Border Protection, may
12 designate foreign seaports under this section if, with re-
13 spect to any such seaport, the Secretary determines that—

14 “(1) the seaport—

15 “(A) presents a significant level of risk;

16 “(B) is a significant port or origin or
17 transshipment, in terms of volume or value, for
18 cargo being imported to the United States; and

19 “(C) is potentially capable of validating a
20 secure system of transportation pursuant to
21 section 70116; and

22 “(2) the Department of State and representa-
23 tives of the country with jurisdiction over the port
24 have completed negotiations to ensure compliance

1 with the requirements of the container security ini-
2 tiative.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary to carry
5 out this section—

6 “(1) \$142,000,000 for fiscal year 2007;

7 “(2) \$144,000,000 for fiscal year 2008; and

8 “(3) \$146,000,000 for fiscal year 2009.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) The chapter analysis for chapter 701 of title
11 46, United States Code, is amended by striking the
12 items following the item relating to section 70116
13 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

“70121. Container security initiative

“70122. Civil penalty”.

14 (2) Section 70117(a) of title 46, United States
15 Code, is amended by striking “section 70120” and
16 inserting “section 70122”.

17 (3) Section 70119(a) of such title, as redesign-
18 nated by subsection (a)(1) of this section, is amend-
19 ed—

20 (A) by striking “under section 70119,”
21 and inserting “under section 70122,”; and

1 (B) by striking “under section 70120,”
2 and inserting “under that section,”.

3 (4) Section 111 of the Maritime Transportation
4 Security Act of 2002 is repealed.

5 **SEC. 309. SECURE SYSTEMS OF INTERNATIONAL INTER-**
6 **MODAL TRANSPORTATION.**

7 Section 70116 of title 46, United States Code, is
8 amended—

9 (1) by striking “transportation.” in subsection
10 (a) and inserting “transportation—

11 “(1) to ensure the security and integrity of
12 shipments of goods to the United States from the
13 point at which such goods are initially packed or
14 loaded into a cargo container for international ship-
15 ment until they reach their ultimate destination; and

16 “(2) to facilitate the movement of such goods
17 through the entire supply chain through an expe-
18 dited security and clearance program.”; and

19 (2) by striking subsection (b) and inserting the
20 following:

21 “(b) PROGRAM ELEMENTS.—In establishing and con-
22 ducting the program under subsection (a) the Secretary,
23 acting through the Commissioner of Customs and Border
24 Protection, shall—

1 “(1) establish standards and procedures for
2 verifying, at the point at which goods are placed in
3 a cargo container for shipping, that the container is
4 free of unauthorized hazardous chemical, biological,
5 or nuclear material and for securely sealing such
6 containers after the contents are so verified;

7 “(2) establish standards and procedures for
8 screening and evaluating cargo prior to loading in a
9 foreign port for shipment to the United States either
10 directly or via a foreign port;

11 “(3) establish standards and procedures for se-
12 curing cargo and monitoring that security while in
13 transit;

14 “(4) develop performance standards to enhance
15 the physical security of shipping containers, includ-
16 ing performance standards for seals and locks;

17 “(5) establish standards and procedures for allow-
18 ing the United States Government to ensure and
19 validate compliance with this program; and

20 “(6) incorporate any other measures the Secretary
21 considers necessary to ensure the security and integ-
22 rity of international intermodal transport move-
23 ments.

1 “(c) BENEFITS FROM PARTICIPATION.—The Com-
2 missioner of Customs and Border Protection may provide
3 expedited clearance of cargo to an entity that—

4 “(1) meets or exceeds the standards established
5 under subsection (b); and

6 “(2) certifies the security of its supply chain
7 not less often than once every 2 years to the Sec-
8 retary.”.

9 **SEC. 310. PORT SECURITY USER FEE STUDY.**

10 The Secretary of Homeland Security shall conduct a
11 study of the need for, and feasibility of, establishing a sys-
12 tem of oceanborne and port-related intermodal transpor-
13 tation user fees that could be imposed and collected as
14 a dedicated revenue source, on a temporary or continuing
15 basis, to provide necessary funding for the improvement
16 and maintenance of enhanced port security. Within 1 year
17 after date of enactment of this Act, the Secretary shall
18 submit a report to the Senate Committee on Commerce,
19 Science, and Transportation, the House of Representa-
20 tives Committee on Transportation and Infrastructure,
21 and the House of Representatives Committee on Home-
22 land Security that—

23 (1) contains the Secretary’s findings, conclu-
24 sions, and recommendations (including legislative
25 recommendations if appropriate); and

1 (2) includes an assessment of the annual
2 amount of customs fees and duties collected through
3 oceanborne and port-related transportation and the
4 amount and percentage of such fees and duties that
5 are dedicated to improve and maintain security.

6 **SEC. 311. DEADLINE FOR TRANSPORTATION SECURITY**
7 **CARDS.**

8 The Secretary shall issue a final rule under section
9 70105 of title 46, United States Code, no later than Janu-
10 ary 1, 2007.

11 **SEC. 312. PORT SECURITY GRANTS.**

12 (a) BASIS FOR GRANTS.—Section 70107(a) of title
13 46, United States Code, is amended by striking “for mak-
14 ing a fair and equitable allocation of funds” and inserting
15 “based on risk and vulnerability”.

16 (b) ELIGIBLE COSTS.—Section 70107(b) of title 46,
17 United States Code, is amended by striking paragraph (1)
18 and redesignating paragraphs (2) through (4) as para-
19 graphs (1) through (3), respectively.

20 (c) LETTERS OF INTENT.—Section 70107(e) of title
21 46, United States Code, is amended by adding at the end
22 the following:

23 “(5) LETTERS OF INTENT.—The Secretary may
24 execute letters of intent to commit funding to port
25 sponsors from the Fund.”.

1 **SEC. 313. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**
2 **RORISM SECURITY VALIDATION PROGRAM.**

3 (a) IN GENERAL.—Chapter 701 of title 46, United
4 States Code, as amended by section 308 of this title, is
5 further amended—

6 (1) by redesignating section 70122 (as redesign-
7 nated by section 538(a)(3) of this title) as section
8 70123; and

9 (2) by inserting after section 70121 the fol-
10 lowing:

11 **“§ 70122. Customs-Trade Partnership Against Ter-**
12 **rorism validation program.**

13 “(a) VALIDATION; RECORDS MANAGEMENT.—The
14 Secretary of Homeland Security, through the Commis-
15 sioner of Customs and Border Protection, shall issue regu-
16 lations—

17 “(1) to strengthen the validation process to
18 verify that security programs of members of the
19 Customs-Trade Partnership Against Terrorism have
20 been implemented and that the program benefits
21 should continue by providing appropriate guidance
22 to specialists conducting such validations, including
23 establishing what level of review is adequate to de-
24 termine whether member security practices are reli-
25 able, accurate, and effective; and

1 “(2) to implement a records management sys-
2 tem that documents key decisions and significant
3 operational events accurately and in a timely man-
4 ner, including a reliable system for—

5 “(A) documenting and maintaining records
6 of all decisions in the application through vali-
7 dation processes, including documentation of
8 the objectives, scope, methodologies, and limita-
9 tions of validations; and

10 “(B) tracking member status.

11 “(b) HUMAN CAPITAL PLAN.—Within 6 months after
12 the date of enactment of the Maritime Security Improve-
13 ment Act of 2006, the Secretary shall complete a human
14 capital plan, that clearly describes how the Customs-Trade
15 Partnership Against Terrorism program will recruit, train,
16 and retain sufficient staff to conduct the work of the pro-
17 gram successfully, including reviewing security profiles,
18 vetting, and conducting validations to mitigate program
19 risk.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary of
22 Homeland Security to carry out section 70122 of title 49,
23 United States Code, not to exceed—

24 (1) \$60,000,000 for fiscal year 2007;

25 (2) \$65,000,000 for fiscal year 2008; and

1 (3) \$72,000,000 for fiscal year 2009.

2 (c) CONFORMING AMENDMENTS.—

3 (1) The chapter analysis for chapter 701 of title
4 46, United States Code, as amended by section
5 308(b) of this title, is further amended by striking
6 the item relating to section 70122 and inserting the
7 following:

“70122. Customs-Trade Partnership Against Terrorism validation program
“70123. Civil penalty”.

8 (2) Section 70117(a) and 70119(a) of title 46,
9 United States Code, as amended by section
10 308(b)(2) and (3), respectively, of this Act, are each
11 amended by striking “section 70122,” and inserting
12 “section 70123,”.

13 **SEC. 314. WORK STOPPAGES AND EMPLOYEE-EMPLOYER**
14 **DISPUTES.**

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

20 **SEC. 315. APPEAL OF DENIAL OF WAIVER FOR TRANSPOR-**
21 **TATION SECURITY CARD.**

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

1 **SEC. 316. INSPECTION OF CAR FERRIES ENTERING FROM**
2 **CANADA.**

3 Within 120 days after the date of enactment of this
4 Act, the Secretary of Homeland Security, acting through
5 the Commissioner of Customs and Border Protection, in
6 coordination with the Secretary of State, and their Cana-
7 dian counterparts, shall develop a plan for the inspection
8 of passengers and vehicles before such passengers board,
9 or such vehicles are loaded onto, a ferry bound for a
10 United States port.

○