

SUMMARY:
**Commerce and Banking Committees’
Transportation Security Bill**

**Comprehensive transportation security legislation to improve the system of maritime, rail,
and transit security; Supported by a bipartisan list of 41 co-sponsors.**

Port and Cargo Security

The landmark Maritime Transportation Security Act (MTSA), which the Senate Commerce Committee authored and which became law in 2002, established the foundation for the nation’s port and cargo security. MTSA created the nation’s current, international, inter-modal cargo security regime as well as made the U.S. Coast Guard the lead agency on port security matters.

In an effort to enhance security for all major modes of transportation, Commerce Committee Chairman Ted Stevens (R-Alaska) and Co-Chairman Daniel Inouye (D-Hawaii) advanced the Transportation Security Improvement Act in May 2005. The port and cargo security provisions in the bill would expand upon the current security programs in MTSA and provide the resources necessary to improve security. Additionally, provisions in this bill address many of the recommendations of the Government Accountability Office (GAO), the Department of Homeland Security Commercial Operations Advisory Committee (COAC), the Heritage Foundation, and the RAND Corporation.

The port and cargo security provisions would achieve the following:

IMPROVE EXAMINATION OF CARGO BEFORE IT REACHES U.S. PORTS:

- Enhance cargo security by improving the examination of shipments before they reach U.S. shores.
- Call upon the U.S. Customs and Border Protection (CBP) to develop standards for the evaluation, screening, and inspection of cargo destined for the U.S. prior to loading in a foreign port.
- Provide greater targeting and scrutiny of high-risk cargo by requiring importers to file entry data 24-hours prior to loading at a foreign port.
- Authorize the random inspection of incoming cargo, which has proven to be 12 times more likely to find illicit shipments than traditional inspection methods.

ALLOW FOR SPEEDY RESUMPTION OF COMMERCE:

- Pay particular attention to the resumption of commerce in the event of a seaport attack.
- Clarify the requirements for expedited clearance of cargo through the Secure Systems of Transportation Program and extends the supply chain review to the initial point of loading.
- Amend MTSA to improve upon the Container Security Initiative (CSI), the Customs-Trade Partnership Against Terrorism Program (C-TPAT) and Automated Targeting System (ATS) and makes improvements consistent with GAO recommendations.

EXPAND USE OF INTERAGENCY OPERATIONS CENTERS (IOCs):

- Expand the successful use of IOCs at the ports of Charleston, South Carolina, and San Diego, California, to all high-priority strategic ports. Having proven to enhance interagency cooperation and coordination, the IOCs are prototypical of the unified response that will be required in the event of a seaport attack.
- Direct DHS to make port security grants more risk-based, and would allow for the multi-year funding of projects.

FUNDING AUTHORIZATIONS:

The legislation authorizes approximately \$728.6 million for port and cargo security initiatives:

- \$99.6 million over three years for improved entry data used for targeted cargo searches.
- \$432 million over three years for cargo security, including the CSI, which requires DHS to promulgate standards and procedures for evaluating and screening cargo documents prior to loading cargo in a foreign port for shipment to the U.S., and inspection of high-risk cargo at the foreign ports.
- \$197 million over three years for improvements to CBP's C-TPAT program to require CBP to strengthen the process to validate the security programs of C-TPAT members.

Rail Security

Following the attacks on the passenger trains in Madrid and the subway system in London, rail security vulnerabilities receive particular attention under the legislation. The bill would require the Transportation Security Administration (TSA) to conduct a railroad sector threat assessment and submit prioritized recommendations for improving rail security, and the measure would call

for the TSA and the Department of Transportation (DOT) to clarify their respective roles for rail security.

Consistent with the Rail Security Act passed in 108th Congress, the legislation would provide grants through TSA to Amtrak, freight railroads, and others to upgrade security across the entire railroad system. It would provide funding through DOT to make needed security and safety enhancements to Amtrak railroad tunnels in New York, Washington, and Baltimore.

The legislation also would create a rail security research and development program through DHS and it would encourage the deployment of rail car tracking equipment for hazardous material rail shipments. Additionally, the bill would require rail carriers that ship high-hazard materials to create threat mitigation plans to protect high-consequence targets when specific threat information exists.

The bill would: authorize studies to improve passenger rail screening and immigration processing along the U.S. northern border; create a security training program for railroad workers; and provide whistleblower protections for workers who report security concerns.

The rail security provisions would also:

- Require TSA oversight for review of rail security capital projects.
- Require TSA and DOT to clarify respective roles for rail security.
- Require DOT, in consultation with DHS, to review existing rail regulations to improve rail security.
- Require DHS to develop a national plan for public outreach and awareness.

FUNDING AUTHORIZATIONS:

The legislation would authorize approximately \$1.2 billion over three years for rail security, including Amtrak and freight:

- **Amtrak** - \$790 million over three years as follows:
 - \$123.5 million for system-wide security upgrades; and
 - \$667 million for rail tunnel fire and life-safety improvements
- **Freight and Passenger Rail** - \$305 million over three years as follows:
 - \$300 million (subject to certain limitations) for security upgrades
 - \$5 million for risk assessment of freight and passenger rail transportation
- **Research and Development** - \$105 million over three years for R&D focusing on improving freight and intercity passenger rail security.

- **Passenger Manifest** - \$500,000 to Amtrak to develop a plan for notifying families of passengers in case of accidents resulting in loss of life.
- **High Hazardous Materials Tracking** - \$9 million for development of a program to encourage the equipping of rail cars transporting high hazmats with tracking and monitoring technology.

Transit Security

Throughout the world, public transportation systems have been a primary target of terrorist attacks. The terrorist attacks in London and Madrid demonstrate that public transit systems remain a favored target of terrorists. Unfortunately, many transit agencies in the U.S. have pressing security needs that they lack the resources to address, including needs identified by the Federal Transit Administration in the security assessments it conducted following the attacks of September 11th.

In response to this situation, the Senate Banking Committee unanimously approved legislation to provide funding for enhanced mass transit security. The legislation, entitled “The Public Transportation Terrorism Prevention Act,” would create a needs-based grant program within DHS to identify and address risks and vulnerabilities within transit systems across the country. The bill provides \$3.5 billion over the next three years to transit agencies across the country to invest in projects designed to resist and deter terrorist attacks, including surveillance technologies, tunnel protection, chemical, biological, radiological, and explosive detection systems, perimeter protection, training, the establishment of redundant critical operations control systems, and other security improvements.

The funds authorized in this legislation would be awarded based on an assessment by DHS of the needs of all of our nation’s transit systems. The legislation would provide funding through three grant sources:

- **Capital Grant Program** – for security infrastructure such as surveillance, fencing, communications and tracking equipment, as well as for detection systems for chemical, biological, radiological and explosive agents.
- **Operation Grant Fund** – for workforce training, public awareness campaigns, canine patrols and costs associated with events of national or international importance.
- **Research Grant Fund** – for the study of chemical, biological, radiological, or explosive detection technologies, imaging technologies, and others which may have the potential to be effective in deterring terrorist threats.

Finally, the legislation also would codify the role of, and funding for, the Information Sharing Analysis Center (ISAC), which provides security information to transit systems.