

108TH CONGRESS  
2D SESSION

# S. 2216

To provide increased rail transportation security.

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## IN THE SENATE OF THE UNITED STATES

MARCH 12, 2004

Mr. HOLLINGS (for himself, Ms. SNOWE, Mr. LAUTENBERG, Mr. CARPER, Mr. BIDEN, Mrs. BOXER, Mr. SCHUMER, Mr. KENNEDY, and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide increased rail transportation security.

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.**

4       This Act may be cited as the “Rail Transportation  
5       Security Act”.

6       **SEC. 2. RAIL TRANSPORTATION SECURITY RISK ASSESS-**  
7               **MENT.**

8       (a) IN GENERAL.—

9               (1) ASSESSMENT.—The Secretary of Homeland  
10       Security, in consultation with the Secretary of  
11       Transportation, shall assess the security risks asso-

1       ciated with freight and intercity passenger rail  
2       transportation and develop prioritized recommenda-  
3       tions for—

4               (A) improving the security of rail infra-  
5       structure and facilities, terminals, tunnels, rail  
6       bridges, rail switching areas, and other areas  
7       identified by the Secretary as posing significant  
8       rail-related risks to public safety and the move-  
9       ment of interstate commerce, taking into ac-  
10      count the impact that any proposed security  
11      measure might have on the provision of rail  
12      service;

13              (B) deploying chemical and biological  
14      weapon detection equipment;

15              (C) training employees in terrorism re-  
16      sponse activities; and

17              (D) identifying the immediate and long-  
18      term economic impact of measures that may be  
19      required to address those risks.

20              (2) EXISTING PRIVATE AND PUBLIC SECTOR  
21      EFFORTS.—The assessment shall include a review of  
22      any actions already taken or prospective actions nec-  
23      essary to address identified security issues by both  
24      public and private entities.

1       (b) CONSULTATION; USE OF EXISTING RE-  
2 SOURCES.—In carrying out the assessment required by  
3 subsection (a), the Secretary shall consult with rail man-  
4 agement, rail labor, facility owners and operators, and  
5 public safety officials (including officials responsible for  
6 responding to emergencies).

7       (c) REPORT.—

8           (1) CONTENTS.—Within 180 days after the  
9 date of enactment of this Act, the Secretary shall  
10 transmit to the Senate Committee on Commerce,  
11 Science, and Transportation and the House of Rep-  
12 resentatives Committee on Transportation and In-  
13 frastructure a report, without compromising national  
14 security, containing the assessment and prioritized  
15 recommendations required by subsection (a).

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

20       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to the Secretary  
22 \$515,000,000 for fiscal year 2005 to carry out this sec-  
23 tion, implement the measures contained in the Secretary's  
24 prioritized recommendations, and award grants for pur-

1 poses identified in the assessment in subsection (a), such  
 2 sums to remain available until expended.

3 **SEC. 3. RAIL SECURITY.**

4 (a) RAIL POLICE OFFICERS.—Section 28101 is  
 5 amended by striking “the rail carrier” each place it ap-  
 6 pears and inserting “any rail carrier”.

7 (b) REVIEW OF RAIL REGULATIONS.—Within 180  
 8 days after the date of enactment of this Act, the Secretary  
 9 of Transportation, in consultation with the Department of  
 10 Homeland Security, shall review existing rail regulations  
 11 of the Department of Transportation for the purpose of  
 12 identifying areas in which those regulations need to be re-  
 13 vised to improve rail safety and security.

14 **SEC. 4. STUDY OF FOREIGN RAIL TRANSPORT SECURITY**  
 15 **PROGRAMS.**

16 (a) REQUIREMENT FOR STUDY.—Not later than De-  
 17 cember 1, 2004, the Comptroller General shall carry out  
 18 a study of the rail passenger transportation security pro-  
 19 grams that are carried out for rail transportation systems  
 20 in Japan, member nations of the European Union, and  
 21 other foreign countries.

22 (b) PURPOSE.—The purpose of the study shall be to  
 23 identify effective rail transportation security measures  
 24 that are in use in foreign rail transportation systems, in-

1 cluding innovative measures and screening procedures de-  
2 termined effective.

3 (c) REPORT.—The Comptroller General shall submit  
4 a report on the results of the study to Congress. The re-  
5 port shall include the Comptroller General’s assessment  
6 regarding whether it is feasible to implement within the  
7 United States any of the same or similar security meas-  
8 ures that are determined effective under the study.

9 **SEC. 5. PASSENGER, BAGGAGE, AND CARGO SCREENING.**

10 (a) REQUIREMENT FOR STUDY AND REPORT.—The  
11 Secretary of Homeland Security shall—

12 (1) study the cost and feasibility of requiring  
13 security screening for all passengers, baggage, and  
14 mail, express, and other cargo on Amtrak trains;  
15 and

16 (2) report the results of the study, together  
17 with any recommendations that the Secretary may  
18 have for implementing a rail security screening pro-  
19 gram to the Committee on Commerce, Science, and  
20 Transportation of the Senate and the Committee on  
21 Transportation and Infrastructure of the House of  
22 Representatives one year after the date of enactment  
23 of this Act.

24 (b) PILOT PROGRAM.—As part of the study under  
25 subsection (a), the Secretary shall conduct a pilot program

1 of random security screening of passengers and baggage  
 2 at 5 of the 10 busiest passenger rail stations served by  
 3 Amtrak (measured by the average number of boardings  
 4 of Amtrak passenger trains) and at up to five additional  
 5 rail stations served by Amtrak that are selected by the  
 6 Secretary. In selecting the additional train stations the  
 7 Secretary shall attempt to achieve a distribution of partici-  
 8 pating stations in terms of geographic location and size.

9 **SEC. 6. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.**

10 Any statutory limitation on the number of employees  
 11 in the Transportation Security Administration of the De-  
 12 partment of Transportation, before or after its transfer  
 13 to the Department of Homeland Security, does not apply  
 14 to the extent that any such employees are responsible for  
 15 implementing the provisions of this title.

16 **SEC. 7. LIFE SAFETY AND INFRASTRUCTURE.**

17 (a) LIFE SAFETY NEEDS.—There are authorized to  
 18 be appropriated to the Secretary of Transportation for the  
 19 use of Amtrak for fiscal year 2005:

20 (1) \$677,000,000 for the 6 New York tunnels  
 21 built in 1910 to provide ventilation, electrical, and  
 22 fire safety technology upgrades, emergency commu-  
 23 nication and lighting systems, and emergency access  
 24 and egress for passengers.

1           (2) \$57,000,000 for the Baltimore & Potomac  
2       tunnel built in 1872 to provide adequate drainage,  
3       ventilation, communication, lighting, and passenger  
4       egress upgrades.

5           (3) \$40,000,000 for the Washington, D.C.  
6       Union Station tunnels built in 1904 under the Su-  
7       preme Court and House and Senate Office Buildings  
8       to improve ventilation, communication, lighting, and  
9       passenger egress upgrades.

10       (b) INFRASTRUCTURE UPGRADES.—There are au-  
11   thorized to be appropriated to the Secretary of Transpor-  
12   tation for the use of Amtrak for fiscal year 2005,  
13   \$3,000,000 for the preliminary design of options for a new  
14   tunnel on a different alignment to augment the capacity  
15   of the existing Baltimore tunnels, such funds to remain  
16   available until expended.

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