

108TH CONGRESS
2D SESSION

S. 2273

To provide increased rail transportation security.

IN THE SENATE OF THE UNITED STATES

APRIL 1, 2004

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

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Rail Security Act of 2004”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Rail transportation security risk assessment.
- Sec. 3. Rail security.
- Sec. 4. Study of foreign rail transport security programs.
- Sec. 5. Passenger, baggage, and cargo screening.
- Sec. 6. Certain personnel limitations not to apply.
- Sec. 7. Fire and life safety improvements.
- Sec. 8. Transportation security.

- Sec. 9. Amtrak plan to assist families of passengers involved in rail passenger accidents.
- Sec. 10. System-wide Amtrak security upgrades.
- Sec. 11. Freight and passenger rail security upgrades.
- Sec. 12. Department of Transportation oversight.
- Sec. 13. Rail security research and development.
- Sec. 14. Welded rail and tank car safety improvements.
- Sec. 15. Northern Border rail passenger report.

1 **SEC. 2. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
 2 **MENT.**

3 (a) IN GENERAL.—

4 (1) VULNERABILITY ASSESSMENT.—The Under
 5 Secretary of Homeland Security for Border and
 6 Transportation Security, in consultation with the
 7 Secretary of Transportation, shall complete a vulner-
 8 ability assessment of freight and passenger rail
 9 transportation (encompassing rail carriers, as that
 10 term is defined in section 20102(1) of title 49,
 11 United States Code). The assessment shall include—

12 (A) identification and evaluation of critical
 13 assets and infrastructures;

14 (B) identification of threats to those assets
 15 and infrastructures;

16 (C) identification of vulnerabilities that are
 17 specific to the transportation of hazardous ma-
 18 terials via railroad; and

19 (D) identification of security weaknesses in
 20 passenger and cargo security, transportation in-
 21 frastructure, protection systems, procedural

1 policies, communications systems, employee
2 training, emergency response planning, and any
3 other area identified by the assessment.

4 (2) EXISTING PRIVATE AND PUBLIC SECTOR
5 EFFORTS.—The assessment shall take into account
6 actions taken or planned by both public and private
7 entities to address identified security issues and as-
8 sess the effective integration of such actions.

9 (3) RECOMMENDATIONS.—Based on the assess-
10 ment conducted under paragraph (1), the Under
11 Secretary, in consultation with the Secretary of
12 Transportation, shall develop prioritized rec-
13 ommendations for improving rail security, including
14 any recommendations the Under Secretary has for—

15 (A) improving the security of rail tunnels,
16 rail bridges, rail switching areas, other rail in-
17 frastructure and facilities, information systems,
18 and other areas identified by the Under Sec-
19 retary as posing significant rail-related risks to
20 public safety and the movement of interstate
21 commerce, taking into account the impact that
22 any proposed security measure might have on
23 the provision of rail service;

24 (B) deploying weapon detection equipment;

1 (C) training employees in terrorism pre-
2 vention, passenger evacuation, and response ac-
3 tivities;

4 (D) conducting public outreach campaigns
5 on passenger railroads;

6 (E) deploying surveillance equipment; and

7 (F) identifying the immediate and long-
8 term economic impact of measures that may be
9 required to address those risks.

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

12 (A) a plan, developed in consultation with
13 the freight and intercity passenger railroads,
14 and State and local governments, for the gov-
15 ernment to provide increased security support
16 at high or severe threat levels of alert; and

17 (B) a plan for coordinating rail security
18 initiatives undertaken by the public and private
19 sectors.

20 (b) CONSULTATION; USE OF EXISTING RE-
21 SOURCES.—In carrying out the assessment required by
22 subsection (a), the Under Secretary of Homeland Security
23 for Border and Transportation Security shall consult with
24 rail management, rail labor, owners or lessors of rail cars
25 used to transport hazardous materials, shippers of haz-

1 arduous materials, public safety officials (including those
2 within other agencies and offices within the Department
3 of Homeland Security) and other relevant parties.

4 (c) REPORT.—

5 (1) CONTENTS.—Within 180 days after the
6 date of enactment of this Act, the Under Secretary
7 shall transmit to the Senate Committee on Com-
8 merce, Science, and Transportation and the House
9 of Representatives Committee on Transportation
10 and Infrastructure a report containing the assess-
11 ment and prioritized recommendations required by
12 subsection (a) and an estimate of the cost to imple-
13 ment such recommendations.

14 (2) FORMAT.—The Under Secretary may sub-
15 mit the report in both classified and redacted for-
16 mats if the Under Secretary determines that such
17 action is appropriate or necessary.

18 (d) 2-YEAR UPDATES.—The Under Secretary, in con-
19 sultation with the Secretary of Transportation, shall up-
20 date the assessment and recommendations every 2 years
21 and transmit a report, which may be submitted in both
22 classified and redacted formats, to the Committees named
23 in subsection (c)(1), containing the updated assessment
24 and recommendations.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Under Secretary
3 of Homeland Security for Border and Transportation Se-
4 curity \$5,000,000 for fiscal year 2005 for the purpose of
5 carrying out this section.

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

7 (a) RAIL POLICE OFFICERS.—Section 28101 of title
8 49, United States Code, is amended by striking “the rail
9 carrier” each place it appears and inserting “any rail car-
10 rier”.

11 (b) REVIEW OF RAIL REGULATIONS.—Within 1 year
12 after the date of enactment of this Act, the Secretary of
13 Transportation, in consultation with the Under Secretary
14 of Homeland Security for Border and Transportation Se-
15 curity, shall review existing rail regulations of the Depart-
16 ment of Transportation for the purpose of identifying
17 areas in which those regulations need to be revised to im-
18 prove rail security.

19 **SEC. 4. STUDY OF FOREIGN RAIL TRANSPORT SECURITY**
20 **PROGRAMS.**

21 (a) REQUIREMENT FOR STUDY.—Within one year
22 after the date of enactment of the Rail Security Act of
23 2004, the Comptroller General shall complete a study of
24 the rail passenger transportation security programs that
25 are carried out for rail transportation systems in Japan,

1 member nations of the European Union, and other foreign
2 countries.

3 (b) PURPOSE.—The purpose of the study shall be to
4 identify effective rail transportation security measures
5 that are in use in foreign rail transportation systems, in-
6 cluding innovative measures and screening procedures de-
7 termined effective.

8 (c) REPORT.—The Comptroller General shall submit
9 a report on the results of the study to the Senate Com-
10 mittee on Commerce, Science, and Transportation and the
11 House of Representatives Committee on Transportation
12 and Infrastructure. The report shall include the Comp-
13 troller General’s assessment regarding whether it is fea-
14 sible to implement within the United States any of the
15 same or similar security measures that are determined ef-
16 fective under the study.

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

18 (a) REQUIREMENT FOR STUDY AND REPORT.—The
19 Under Secretary of Homeland Security for Border and
20 Transportation Security, in cooperation with the Secretary
21 of Transportation, shall—

22 (1) analyze the cost and feasibility of requiring
23 security screening for passengers, baggage, and mail
24 on passenger trains; and

1 (2) report the results of the study, together
2 with any recommendations that the Under Secretary
3 may have for implementing a rail security screening
4 program to the Senate Committee on Commerce,
5 Science, and Transportation and the House of Rep-
6 resentatives Committee on Transportation and In-
7 frastructure within 1 year after the date of enact-
8 ment of this Act.

9 (b) PILOT PROGRAM.—As part of the study under
10 subsection (a), the Under Secretary shall complete a pilot
11 program of random security screening of passengers and
12 baggage at 5 passenger rail stations served by Amtrak se-
13 lected by the Under Secretary. In conducting the pilot pro-
14 gram, the Under Secretary shall—

15 (1) test a wide range of explosives detection
16 technologies, devices and methods;

17 (2) require that intercity rail passengers
18 produce government-issued photographic identifica-
19 tion which matches the name on the passenger's
20 tickets prior to boarding trains; and

21 (3) attempt to achieve a distribution of partici-
22 pating train stations in terms of geographic location,
23 size, passenger volume, and whether the station is
24 used by commuter rail passengers as well as Amtrak
25 passengers.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Under Secretary
3 of Homeland Security for Border and Transportation Se-
4 curity to carry out this section \$5,000,000 for fiscal year
5 2005.

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

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

13 **SEC. 7. FIRE AND LIFE SAFETY IMPROVEMENTS.**

14 (a) LIFE SAFETY NEEDS.—The Secretary of Trans-
15 portation is authorized to make grants to Amtrak for the
16 purpose of making fire and life-safety improvements to
17 tunnels on the Northeast Corridor in New York, NY, Bal-
18 timore, MD, and Washington, DC

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Secretary of
21 Transportation for the purposes of carrying out subsection
22 (a) the following amounts:

23 (1) For the 6 New York tunnels to provide ven-
24 tilation, electrical, and fire safety technology up-
25 grades, emergency communication and lighting sys-

1 tems, and emergency access and egress for pas-
2 sengers—

- 3 (A) \$100,000,000 for fiscal year 2005;
- 4 (B) \$100,000,000 for fiscal year 2006;
- 5 (C) \$100,000,000 for fiscal year 2007;
- 6 (D) \$100,000,000 for fiscal year 2008;
- 7 and
- 8 (E) \$170,000,000 for fiscal year 2009.

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

- 13 (A) \$10,000,000 for fiscal year 2005;
- 14 (B) \$10,000,000 for fiscal year 2006;
- 15 (C) \$10,000,000 for fiscal year 2007;
- 16 (D) \$10,000,000 for fiscal year 2008; and
- 17 (E) \$17,000,000 for fiscal year 2009.

18 (3) For the Washington, DC Union Station
19 tunnels to improve ventilation, communication, light-
20 ing, and passenger egress upgrades—

- 21 (A) \$8,000,000 for fiscal year 2005;
- 22 (B) \$8,000,000 for fiscal year 2006;
- 23 (C) \$8,000,000 for fiscal year 2007;
- 24 (D) \$8,000,000 for fiscal year 2008; and
- 25 (E) \$8,000,000 for fiscal year 2009.

1 (c) INFRASTRUCTURE UPGRADES.—There are au-
2 thorized to be appropriated to the Secretary of Transpor-
3 tation for fiscal year 2005 \$3,000,000 for the preliminary
4 design of options for a new tunnel on a different alignment
5 to augment the capacity of the existing Baltimore tunnels.

6 (d) AVAILABILITY OF APPROPRIATED FUNDS.—
7 Amounts appropriated pursuant to this section shall re-
8 main available until expended.

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

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

15 (2) unless, for each project funded pursuant to
16 this section, the Secretary has approved a project
17 management plan prepared by Amtrak addressing
18 project budget, construction schedule, recipient staff
19 organization, document control and record keeping,
20 change order procedure, quality control and assur-
21 ance, periodic plan updates, periodic status reports,
22 and such other matter the Secretary deems appro-
23 priate;

24 (f) FINANCIAL CONTRIBUTION FROM OTHER TUN-
25 NEL USERS.—The Secretary shall, taking into account the

1 need for the timely completion of all life safety portions
2 of the tunnel projects described in subsection (a)—

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

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

8 (3) seek financial contributions or commitments
9 from such other rail carriers at levels reflecting the
10 extent of their use of the tunnels.

11 **SEC. 8. TRANSPORTATION SECURITY.**

12 (a) **MEMORANDUM OF AGREEMENT.**—Within 60 days
13 after the date of enactment of this Act, the Secretary of
14 Transportation and the Under Secretary of Homeland Se-
15 curity for Border and Transportation Security shall exe-
16 cute a memorandum of agreement governing the roles and
17 responsibilities of the Department of Transportation and
18 the Department of Homeland Security, respectively, in ad-
19 dressing railroad transportation security matters, includ-
20 ing the processes the departments will follow to promote
21 communications, efficiency, and nonduplication of effort.

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

1 **SEC. 9. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
2 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
3 **CIDENTS.**

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

7 **“§ 24316. Plans to address needs of families of pas-**
8 **sengers involved in rail passenger acci-**
9 **dents**

10 “(a) SUBMISSION OF PLAN.—Not later than 6
11 months after the date of the enactment of the Rail Secu-
12 rity Act of 2004, Amtrak shall submit to the Chairman
13 of the National Transportation Safety Board a plan for
14 addressing the needs of the families of passengers involved
15 in any rail passenger accident involving an Amtrak inter-
16 city train and resulting in a loss of life.

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

20 “(1) A process by which Amtrak will maintain
21 and provide to the National Transportation Safety
22 Board, immediately upon request, a list (which is
23 based on the best available information at the time
24 of the request) of the names of the passengers
25 aboard the train (whether or not such names have
26 been verified), and will periodically update the list.

1 The plan shall include a procedure, with respect to
2 unreserved trains and passengers not holding res-
3 ervations on other trains, for Amtrak to use reason-
4 able efforts to ascertain the number and names of
5 passengers aboard a train involved in an accident.

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

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

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

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

1 and that any unclaimed possession of a passenger
2 within Amtrak's control will be retained by the rail
3 passenger carrier for at least 18 months.

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

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

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

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

1 “(e) LIMITATION ON STATUTORY CONSTRUCTION.—
 2 Nothing in this section may be construed as limiting the
 3 actions that Amtrak may take, or the obligations that Am-
 4 trak may have, in providing assistance to the families of
 5 passengers involved in a rail passenger accident.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to the Secretary of
 8 Transportation for the use of Amtrak \$500,000 for fiscal
 9 year 2005 to carry out this section. Amounts appropriated
 10 pursuant to this subsection shall remain available until ex-
 11 pended.”.

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

“Sec.

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

15 **SEC. 10. SYSTEM-WIDE AMTRAK SECURITY UPGRADES.**

16 (a) IN GENERAL—Subject to subsection (c), the
 17 Under Secretary of Homeland Security for Border and
 18 Transportation Security is authorized to make grants,
 19 through the Secretary of Transportation, to Amtrak—

20 (1) to secure major tunnel access points and en-
 21 sure tunnel integrity in New York, Baltimore, and
 22 Washington, DC;

23 (2) to secure Amtrak trains;

24 (3) to secure Amtrak stations;

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

3 (5) to obtain train tracking and communica-
4 tions systems that are coordinated to the maximum
5 extent possible;

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

8 (7) to expand emergency preparedness efforts.

9 (b) CONDITIONS.—The Secretary of Transportation
10 may not disburse funds to Amtrak under subsection (a)
11 unless the projects are contained in a systemwide security
12 plan approved by the Under Secretary, in consultation
13 with the Secretary of Transportation, and meet the re-
14 quirements of section 7(e)(2).

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

21 (d) AVAILABILITY OF FUNDS.—There are authorized
22 to be appropriated to the Under Secretary of Homeland
23 Security for Border and Transportation Security
24 \$62,500,000 for fiscal year 2005 for the purposes of car-

1 rying out this section. Amounts appropriated pursuant to
2 this subsection shall remain available until expended.

3 **SEC. 11. FREIGHT AND PASSENGER RAIL SECURITY UP-**
4 **GRADES.**

5 (a) SECURITY IMPROVEMENT GRANTS.—The Under
6 Secretary of Homeland Security for Border and Transpor-
7 tation Security is authorized to make grants to freight
8 railroads, the Alaska Railroad, hazardous materials ship-
9 pers, owners of rail cars used in the transportation of haz-
10 ardous materials, and, through the Secretary of Transpor-
11 tation, to Amtrak, for full or partial reimbursement of
12 costs incurred in the conduct of activities to prevent or
13 respond to acts of terrorism, sabotage, or other intercity
14 passenger rail and freight rail security threats, includ-
15 ing—

16 (1) security and redundancy for critical commu-
17 nications, computer, and train control systems essen-
18 tial for secure rail operations;

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

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

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

1 (5) structural modification or replacement of
2 pressurized tank cars to improve their resistance to
3 acts of terrorism;

4 (6) employee security awareness, preparedness,
5 passenger evacuation, and emergency response train-
6 ing;

7 (7) public security awareness campaigns for
8 passenger train operations; and

9 (8) other improvements recommended by the re-
10 port required by section 2, including infrastructure,
11 facilities, and equipment upgrades.

12 (b) ACCOUNTABILITY.—The Under Secretary shall
13 adopt necessary procedures, including audits, to ensure
14 that grants made under this section are expended in ac-
15 cordance with the purposes of this Act and the priorities
16 and other criteria developed by the Under Secretary.

17 (c) CONDITIONS.—The Secretary of Transportation
18 may not disburse funds to Amtrak under subsection (a)
19 unless Amtrak meets the conditions set forth in section
20 10(b) of this Act.

21 (d) TANK CAR REPLACEMENT INCENTIVE.—A grant
22 under subsection (a)(5) may be for up to 15 percent of
23 the cost of the modification or replacement of a pressur-
24 ized tank car.

1 (e) ALLOCATION BETWEEN RAILROADS AND OTH-
2 ERS.—Unless as a result of the assessment required by
3 section 2 the Under Secretary of Homeland Security for
4 Border and Transportation Security determines that crit-
5 ical rail transportation security needs require reimburse-
6 ment in greater amounts to any eligible entity, no grants
7 under this section may be made—

8 (1) in excess of \$65,000,000 to Amtrak; or
9 (2) in excess of \$100,000,000 for the purposes
10 described in paragraphs (3) and (4) of subsection
11 (a).

12 (f) PROCEDURES FOR GRANT AWARD.—The Under
13 Secretary shall prescribe procedures and schedules for the
14 awarding of grants under this title, including application
15 and qualification procedures (including a requirement that
16 the applicant have a security plan), and a record of deci-
17 sion on applicant eligibility. The procedures shall include
18 the execution of a grant agreement between the grant re-
19 cipient and the Under Secretary. The Under Secretary
20 shall issue a final rule establishing the procedures not
21 later than 90 days after the date of enactment of this Act.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Under Secretary
24 of Homeland Security for Border and Transportation Se-
25 curity \$250,000,000 for fiscal year 2005 to carry out the

1 purposes of this section. Amounts appropriated pursuant
2 to this subsection shall remain available until expended.

3 **SEC. 12. DEPARTMENT OF TRANSPORTATION OVERSIGHT.**

4 (a) SECRETARIAL OVERSIGHT.—The Secretary of
5 Transportation may use up to 0.5 percent of amounts
6 made available to Amtrak for capital projects under the
7 Rail Security Act of 2004 to enter into contracts for the
8 review of proposed capital projects and related program
9 management plans and to oversee construction of such
10 projects.

11 (b) USE OF FUNDS.—The Secretary may use
12 amounts available under subsection (a) of this subsection
13 to make contracts for safety, procurement, management,
14 and financial compliance reviews and audits of a recipient
15 of amounts under subsection (a).

16 **SEC. 13. RAIL SECURITY RESEARCH AND DEVELOPMENT.**

17 (a) ESTABLISHMENT OF RESEARCH AND DEVELOP-
18 MENT PROGRAM.—The Under Secretary of Homeland Se-
19 curity for Border and Transportation Security, in conjunc-
20 tion with the Secretary of Transportation, shall carry out
21 a research and development program for the purpose of
22 improving freight and intercity passenger rail security, in-
23 cluding research and development projects to—

24 (1) reduce the vulnerability of passenger trains,
25 stations, and equipment to explosives;

1 (2) test new emergency response techniques and
2 technologies;

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

5 (A) technologies for sealing rail cars;

6 (B) automatic inspection of rail cars;

7 (C) communication-based train controls;

8 and

9 (D) emergency response training;

10 (4) test wayside detectors that can detect tam-
11 pering with railroad equipment; and

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

14 (A) technologies to detect a breach in a
15 tank car and transmit information about the in-
16 tegrity of tank cars to the train crew;

17 (B) research to improve tank car integrity,
18 with a focus on tank cars that carry toxic-inha-
19 lation chemicals; and

20 (C) techniques to transfer hazardous mate-
21 rials from rail cars that are damaged or other-
22 wise represent an unreasonable risk to human
23 life or public safety.

24 (b) COORDINATION WITH OTHER RESEARCH INITIA-
25 TIVES.—The Under Secretary of Homeland Security for

1 Border and Transportation Security shall ensure that the
2 research and development program authorized by this sec-
3 tion is coordinated with other research and development
4 initiatives at the Department and the Department of
5 Transportation.

6 (c) ACCOUNTABILITY.—The Under Secretary of
7 Homeland Security for Border and Transportation Secu-
8 rity shall carry out any research and development project
9 authorized by this section through a reimbursable agree-
10 ment with the Secretary of Transportation if the Secretary
11 of Transportation—

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

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

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to appropriated to the Under Secretary of
18 Homeland Security for Border and Transportation Secu-
19 rity \$50,000,000 in each of fiscal years 2005 and 2006
20 to carry out the purposes of this section. Amounts appro-
21 priated pursuant to this subsection shall remain available
22 until expended.

1 **SEC. 14. WELDED RAIL AND TANK CAR SAFETY IMPROVE-**
2 **MENTS.**

3 (a) **TRACK STANDARDS.**—Within 90 days after the
4 date of enactment of this Act, the Federal Railroad Ad-
5 ministration shall—

6 (1) require each railroad using continuous weld-
7 ed rail track to include procedures (in its program
8 filed with the Administration) that improve the iden-
9 tification of cracks in rail joint bars;

10 (2) instruct Administration track inspectors to
11 obtain copies of the most recent continuous welded
12 rail programs of each railroad within the inspectors'
13 areas of responsibility and require that inspectors
14 use those programs when conducting track inspec-
15 tions; and

16 (3) establish a program to periodically review
17 continuous welded rail joint bar inspection data from
18 railroads and Administration track inspectors and,
19 whenever the Administration determines that it is
20 necessary or appropriate, require railroads to in-
21 crease the frequency or improve the methods of in-
22 spection of joint bars in continuous welded rail.

23 (b) **TANK CAR STANDARDS.**—The Federal Railroad
24 Administration shall—

25 (1) within 1 year after the date of enactment
26 of this Act, validate the predictive model it is devel-

1 oping to quantify the maximum dynamic forces act-
2 ing on railroad tank cars under accident conditions;
3 and

4 (2) within 18 months after the date of enact-
5 ment of this Act, initiate a rulemaking to develop
6 and implement appropriate design standards for
7 pressurized tank cars.

8 (c) **OLDER TANK CAR IMPACT RESISTANCE ANAL-**
9 **YSIS AND REPORT.**—Within 2 years after the date of en-
10 actment of this Act, the Federal Railroad Administration,
11 in coordination with the National Transportation Safety
12 Board, shall—

13 (1) conduct a comprehensive analysis to deter-
14 mine the impact resistance of the steels in the shells
15 of pressure tank cars constructed before 1989; and

16 (2) transmit a report to the Senate Committee
17 on Commerce, Science, and Transportation and the
18 House of Representatives Committee on Transpor-
19 tation and Infrastructure with recommendations for
20 measures to eliminate or mitigate the risk of cata-
21 strophic failure.

22 **SEC. 15. NORTHERN BORDER RAIL PASSENGER REPORT.**

23 Within 180 days after the date of enactment of this
24 Act, the Under Secretary of Homeland Security for Bor-
25 der and Transportation Security, in consultation with the

1 heads of other appropriate Federal departments and agen-
2 cies and the National Railroad Passenger Corporation,
3 shall transmit a report to the Senate Committee on Com-
4 merce, Science, and Transportation and the House of Rep-
5 resentatives Committee on Transportation and Infrastruc-
6 ture that contains—

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

10 (2) an assessment of the current program to
11 provide preclearance of airline passengers between
12 the United States and Canada as outlined in “The
13 Agreement on Air Transport Preclearance between
14 the Government of Canada and the Government of
15 the United States of America”, dated January 18,
16 2001;

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

24 (4) information on progress by the Department
25 of Homeland Security and other Federal agencies to-

1 wards finalizing a bilateral protocol with Canada
2 that would provide for preclearance of passengers on
3 trains operating between the United States and Can-
4 ada;

5 (5) a description of legislative, regulatory,
6 budgetary, or policy barriers within the United
7 States Government to providing pre-screened pas-
8 senger lists for rail passengers travelling between the
9 United States and Canada to the Department of
10 Homeland Security;

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

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

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