

Calendar No. 69

110TH CONGRESS
1ST SESSION**S. 763****[Report No. 110-32]**

To provide the resources to protect public transportation from terrorism.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2007

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

A BILL

To provide the resources to protect public transportation
from terrorism.

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 “Public Transportation
5 Terrorism Prevention Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) 182 public transportation systems through-
2 out the world have been primary target of terrorist
3 attacks;

4 (2) more than 6,000 public transportation
5 agencies operate in the United States;

6 (3) people use public transportation vehicles
7 33,000,000 times each day;

8 (4) the Federal Transit Administration has in-
9 vested \$84,800,000,000 since 1992 for construction
10 and improvements;

11 (5) the Federal Government appropriately in-
12 vested nearly \$24,000,000,000 in fiscal years 2002
13 through 2006 to protect our Nation's aviation sys-
14 tem;

15 (6) the Federal Government has allocated
16 \$386,000,000 in fiscal years 2003 through 2006 to
17 protect public transportation systems in the United
18 States; and

19 (7) the Federal Government has invested \$7.53
20 in aviation security improvements per passenger
21 boarding, but only \$0.008 in public transportation
22 security improvements per passenger boarding.

23 **SEC. 3. SECURITY ASSESSMENTS.**

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

1 (1) SUBMISSION.—Not later than 30 days after
2 the date of the enactment of this Act, the Federal
3 Transit Administration of the Department of Trans-
4 portation shall submit all public transportation secu-
5 rity assessments and all other relevant information
6 to the Secretary.

7 (2) REVIEW.—Not later than July 31, 2007,
8 the Secretary shall review and augment the security
9 assessments received under paragraph (1).

10 (3) ALLOCATIONS.—The Secretary shall use the
11 security assessments received under paragraph (1)
12 as the basis for allocating grant funds under section
13 4, unless the Secretary notifies the Committee on
14 Banking, Housing, and Urban Affairs of the Senate
15 that the Secretary has determined an adjustment is
16 necessary to respond to an urgent threat or other
17 significant factors.

18 (4) SECURITY IMPROVEMENT PRIORITIES.—Not
19 later than September 30, 2007, the Secretary of
20 Homeland Security, after consultation with the man-
21 agement and employee representatives of each public
22 transportation system for which a security assess-
23 ment has been received under paragraph (1) and
24 with appropriate State and local officials, shall es-
25 tablish security improvement priorities that will be

1 used by public transportation agencies for any fund-
2 ing provided under section 4.

3 (5) UPDATES.—Not later than July 31, 2008,
4 and annually thereafter, the Secretary shall—

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

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

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

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

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

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

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

22 (c) BUS AND RURAL PUBLIC TRANSPORTATION SYS-
23 TEMS.—Not later than July 31, 2007, the Secretary shall
24 conduct security assessments, appropriate to the size and
25 nature of each system, to determine the specific needs of—

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

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

7 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

8 (1) IN GENERAL.—The Secretary shall award
9 grants directly to public transportation agencies for
10 allowable capital security improvements based on the
11 priorities established under section 3(a)(4).

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

14 (A) tunnel protection systems;

15 (B) perimeter protection systems;

16 (C) redundant critical operations control
17 systems;

18 (D) chemical, biological, radiological, or ex-
19 plosive detection systems;

20 (E) surveillance equipment;

21 (F) communications equipment;

22 (G) emergency response equipment;

23 (H) fire suppression and decontamination
24 equipment;

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

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

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

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

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

18 (B) live or simulated drills;

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

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

23 (E) overtime reimbursement for enhanced
24 security personnel during significant national
25 and international public events, consistent with

1 the priorities established under section 3(a)(4);
2 and

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

6 (c) COORDINATION WITH STATE HOMELAND SECU-
7 RITY PLANS.—In establishing security improvement prior-
8 ities under section 3(a)(4) and in awarding grants for cap-
9 ital security improvements and operational security im-
10 provements under subsections (a) and (b), respectively,
11 the Secretary shall ensure that the actions of the Sec-
12 retary are consistent with relevant State Homeland Secu-
13 rity Plans.

14 (d) MULTI-STATE TRANSPORTATION SYSTEMS.—In
15 cases where a public transportation system operates in
16 more than 1 State, the Secretary shall give appropriate
17 consideration to the risks of the entire system, including
18 those portions of the States into which the system crosses,
19 in establishing security improvement priorities under sec-
20 tion 3(a)(4), and in awarding grants for capital security
21 improvements and operational security improvements
22 under subsections (a) and (b), respectively.

23 (e) CONGRESSIONAL NOTIFICATION.—Not later than
24 3 days before the award of any grant under this section,
25 the Secretary shall notify the Committee on Homeland Se-

1 curity and Governmental Affairs and the Committee on
2 Banking, Housing, and Urban Affairs of the Senate of the
3 intent to award such grant.

4 (f) PUBLIC TRANSPORTATION AGENCY RESPON-
5 SIBILITIES.—Each public transportation agency that re-
6 ceives a grant under this section shall—

7 (1) identify a security coordinator to coordinate
8 security improvements;

9 (2) develop a comprehensive plan that dem-
10 onstrates the agency’s capacity for operating and
11 maintaining the equipment purchased under this
12 section; and

13 (3) report annually to the Secretary on the use
14 of grant funds received under this section.

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

21 **SEC. 5. PUBLIC TRANSPORTATION SECURITY TRAINING**
22 **PROGRAM.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of enactment of this section, the Secretary, in con-
25 sultation with appropriate law enforcement, security, and

1 terrorism experts, representatives of public transportation
2 owners and operators, and nonprofit employee organiza-
3 tions that represent public transportation workers, shall
4 develop and issue detailed regulations for a public trans-
5 portation worker security training program to prepare
6 public transportation workers, including front-line transit
7 employees such as bus and rail operators, mechanics, cus-
8 tomer service employees, maintenance employees, transit
9 police, and security personnel, for potential threat condi-
10 tions.

11 (b) PROGRAM ELEMENTS.—The regulations devel-
12 oped under subsection (a) shall require such a program
13 to include, at a minimum, elements that address the fol-
14 lowing:

15 (1) Determination of the seriousness of any oc-
16 currence.

17 (2) Crew and passenger communication and co-
18 ordination.

19 (3) Appropriate responses to defend oneself.

20 (4) Use of protective devices.

21 (5) Evacuation procedures (including pas-
22 sengers, workers, and those with disabilities).

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

1 (7) Live situational training exercises regarding
2 various threat conditions, including tunnel evacu-
3 ation procedures.

4 (8) Any other subject the Secretary considers
5 appropriate.

6 (c) REQUIRED PROGRAMS.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the Secretary issues regulations under subsection (a)
9 in final form, each public transportation system that
10 receives a grant under this Act shall develop a public
11 transportation worker security training program in
12 accordance with those regulations and submit it to
13 the Secretary for approval.

14 (2) APPROVAL.—Not later than 30 days after
15 receiving a public transportation system's program
16 under paragraph (1), the Secretary shall review the
17 program and approve it or require the public trans-
18 portation system to make any revisions the Sec-
19 retary considers necessary for the program to meet
20 the regulations requirements. A public transit agen-
21 cy shall respond to the Secretary's comments within
22 30 days after receiving them.

23 (d) TRAINING.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the Secretary approves the training program devel-

1 oped by a public transportation system under sub-
2 section (c), the public transportation system owner
3 or operator shall complete the training of all public
4 transportation workers in accordance with that pro-
5 gram.

6 (2) REPORT.—The Secretary shall review im-
7 plementation of the training program of a represent-
8 ative sample of public transportation systems and
9 report to the Senate Committee on Banking, Hous-
10 ing and Urban Affairs, House of Representatives
11 Committee on Transportation and Infrastructure,
12 the Senate Homeland Security and Government Af-
13 fairs Committee and the House of Representatives
14 Committee on Homeland Security, on the number of
15 reviews conducted and the results. The Secretary
16 may submit the report in both classified and re-
17 dacted formats as necessary.

18 (e) UPDATES.—

19 (1) IN GENERAL.—The Secretary shall update
20 the training regulations issued under subsection (a)
21 from time to time to reflect new or different security
22 threats, and require public transportation systems to
23 revise their programs accordingly and provide addi-
24 tional training to their workers.

1 (2) PROGRAM REVISIONS.—Each public transit
2 operator shall revise their program in accordance
3 with any regulations under paragraph (1) and pro-
4 vide additional training to their front-line workers
5 within a reasonable time after the regulations are
6 updated.

7 **SEC. 6. INTELLIGENCE SHARING.**

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

13 (b) INFORMATION SHARING ANALYSIS CENTER.—

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

21 (2) PUBLIC TRANSPORTATION AGENCY PARTICI-
22 PATION.—The Secretary—

23 (A) shall require those public transpor-
24 tation agencies that the Secretary determines to

1 be at significant risk of terrorist attack to par-
2 ticipate in the ISAC;

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

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

9 **SEC. 7. RESEARCH, DEVELOPMENT, AND DEMONSTRATION**
10 **GRANTS AND CONTRACTS.**

11 (a) GRANTS AND CONTRACTS AUTHORIZED.—The
12 Secretary, through the Homeland Security Advanced Re-
13 search Projects Agency in the Science and Technology Di-
14 rectorate and in consultation with the Federal Transit Ad-
15 ministration, shall award grants or contracts to public or
16 private entities to conduct research into, and demonstrate
17 technologies and methods to reduce and deter terrorist
18 threats or mitigate damages resulting from terrorist at-
19 tacks against public transportation systems.

20 (b) USE OF FUNDS.—Grants or contracts awarded
21 under subsection (a)—

22 (1) shall be coordinated with Homeland Secu-
23 rity Advanced Research Projects Agency activities;
24 and

25 (2) may be used to—

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

4 (B) research imaging technologies;

5 (C) conduct product evaluations and test-
6 ing; and

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

11 (c) REPORTING REQUIREMENT.—Each entity that is
12 awarded a grant or contract under this section shall report
13 annually to the Department on the use of grant or con-
14 tract funds received under this section.

15 (d) RETURN OF MISSPENT GRANT OR CONTRACT
16 FUNDS.—If the Secretary determines that a grantee or
17 contractor used any portion of the grant or contract funds
18 received under this section for a purpose other than the
19 allowable uses specified under subsection (b), the grantee
20 or contractor shall return any amount so used to the
21 Treasury of the United States.

22 **SEC. 8. REPORTING REQUIREMENTS.**

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

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

1 submit a report, containing the information de-
2 scribed 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 3 through 6;

13 (B) the amount of funds appropriated to
14 carry out the provisions of each of sections 3
15 through 6 that have not been expended or obli-
16 gated; 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 shall submit a report to the
22 Governor of each State with a public transportation
23 agency that has received a grant under this Act.

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

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

3 (B) the use of such grant funds.

4 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

6 There are authorized to be appropriated to carry out the
7 provisions of section 4(a) and remain available until ex-
8 pended—

9 (1) \$536,000,000 for fiscal year 2008;

10 (2) \$772,000,000 for fiscal year 2009; and

11 (3) \$1,062,000,000 for fiscal year 2010.

12 (b) OPERATIONAL SECURITY ASSISTANCE PRO-

13 GRAM.—There are authorized to be appropriated to carry
14 out the provisions of section 4(b)—

15 (1) \$534,000,000 for fiscal year 2008;

16 (2) \$333,000,000 for fiscal year 2009; and

17 (3) \$133,000,000 for fiscal year 2010.

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

19 propriated such sums as may be necessary to carry out
20 the provisions of section 5.

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

22 priated to carry out the provisions of section 7 and remain
23 available until expended—

24 (1) \$30,000,000 for fiscal year 2008;

25 (2) \$45,000,000 for fiscal year 2009; and

1 (3) \$55,000,000 for fiscal year 2010.

2 **SEC. 10. SUNSET PROVISION.**

3 The authority to make grants under this Act shall

4 expire on October 1, 2011.

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A BILL

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transportation from terrorism.

MARCH 5, 2007

Read twice and placed on the calendar