

Union Calendar No. 394

109TH CONGRESS
2^D SESSION

H. R. 5808

[Report No. 109-662]

To authorize the Secretary of Transportation to make grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2006

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 15, 2006

Additional sponsors: Mr. GERLACH, Mr. KUHL of New York, Mr. FORTUÑO, Mr. LATOURETTE, Mr. EHLERS, Mr. LOBIONDO, Mr. PORTER, Mr. HAYES, Mr. BACHUS, Mr. KENNEDY of Minnesota, Mr. MACK, Mr. NEY, Mr. SHUSTER, Mr. BOUSTANY, Mr. MARIO DIAZ-BALART of Florida, and Mr. BAKER

SEPTEMBER 15, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on July 17, 2006]

A BILL

To authorize the Secretary of Transportation to make grants to public transportation agencies and over-the-road bus operators to improve 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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Public Transportation*
5 *Security Assistance Act of 2006”.*

6 **TITLE I—PUBLIC**
7 **TRANSPORTATION SECURITY**

8 **SEC. 101. FINDINGS; PURPOSE.**

9 *(a) FINDINGS.—Congress finds that—*

10 *(1) throughout the world, public transportation*
11 *systems have been a primary target of terrorist at-*
12 *tacks, causing countless deaths and injuries;*

13 *(2) 5,800 public transportation agencies operate*
14 *in the United States;*

15 *(3) 14,000,000 people in the United States ride*
16 *public transportation each work day;*

17 *(4) safe and secure public transportation systems*
18 *are essential to the Nation’s economy and for signifi-*
19 *cant national and international public events;*

20 *(5) the Federal Transit Administration has in-*
21 *vested \$84,500,000,000 since 1992 for construction*
22 *and improvements to the Nation’s public transpor-*
23 *tation systems;*

24 *(6) the Federal Government appropriately in-*
25 *vested \$19,600,000,000 in fiscal years 2002 through*

1 2006 to protect the Nation’s aviation system and its
2 2,000,000 daily passengers;

3 (7) the Federal Government invested
4 \$380,000,000 in fiscal years 2003 through 2006 for
5 grants to protect public transportation systems in the
6 United States;

7 (8) the Federal Government has invested \$9.00
8 in aviation security improvements per passenger, but
9 only \$0.01 in public transportation security improve-
10 ments per passenger;

11 (9) the Government Accountability Office, the
12 Mineta International Institute for Surface Transpor-
13 tation Policy Studies, the American Public Transpor-
14 tation Association, and other experts have reported an
15 urgent need for significant investment in transit secu-
16 rity improvements;

17 (10) Federal financial assistance for transit se-
18 curity improvements should be separate from and
19 supplementary to funding for longstanding Federal
20 programs for investment in public transportation in-
21 frastructure;

22 (11) the final report of the National Commission
23 on Terrorist Attacks Upon the United States (also
24 known as the “9/11 Commission”) found that the
25 Federal Government should—

1 (A) identify and evaluate the transportation
2 assets that need to be protected, set risk-based
3 priorities for defending them, and select the most
4 practical and cost-effective ways of doing so;

5 (B) develop a plan, a budget, and funding
6 to implement the effort; and

7 (C) assign roles and missions to the relevant
8 authorities (Federal, State, regional, and local)
9 and to private stakeholders;

10 (12) the final report of the 9/11 Commission also
11 found that homeland security assistance should be
12 based strictly on an assessment of risks and
13 vulnerabilities; and

14 (13) the Federal Government has a duty to deter
15 and mitigate, to the greatest extent practicable,
16 threats against the Nation's public transportation
17 systems.

18 (b) *PURPOSE.*—The purpose of this title is to provide
19 grants to public transportation agencies and over-the-road
20 bus operators to improve security in a manner consistent
21 with the recommendations of the 9/11 Commission described
22 in subsections (a)(11) and (a)(12).

23 **SEC. 102. DEFINITIONS.**

24 *In this title, the following definitions apply:*

1 (1) *PUBLIC TRANSPORTATION.*—*The term “public*
2 *transportation” has the meaning given the term in*
3 *section 5302(a) of title 49, United States Code.*

4 (2) *PUBLIC TRANSPORTATION SECURITY ASSESS-*
5 *MENT.*—*The term “public transportation security as-*
6 *essment” means a risk assessment (including a criti-*
7 *cality or vulnerability assessment) of a public trans-*
8 *portation system conducted pursuant to the annex ex-*
9 *ecuted under section 3028(b) of the Safe, Accountable,*
10 *Flexible, Efficient Transportation Equity Act: A Leg-*
11 *acy for Users (49 U.S.C. 5321 note; 119 Stat. 1624).*

12 (3) *SECRETARY.*—*The term “Secretary” means*
13 *the Secretary of Transportation, except as otherwise*
14 *specifically provided.*

15 **SEC. 103. COMPONENTS OF SECURITY ASSESSMENTS AND**
16 **PRIORITIZED PLANS.**

17 (a) *SECURITY ASSESSMENTS.*—*The Secretary shall re-*
18 *quest that the Secretary of Homeland Security take nec-*
19 *essary actions to ensure that the public transportation secu-*
20 *rity assessment of each public transportation system identi-*
21 *fies—*

22 (1) *the critical assets of the public transportation*
23 *system;*

24 (2) *threats to those assets;*

1 (3) *security weaknesses in the public transpor-*
2 *tation system and its assets;*

3 (4) *redundant and backup systems required to*
4 *ensure the continued operation of critical elements of*
5 *the public transportation system in the event of an*
6 *attack or other incident; and*

7 (5) *the extent to which public transportation em-*
8 *ployees, including bus and rail operators, mechanics,*
9 *customer service personnel, maintenance employees,*
10 *transit police, and security personnel, have received*
11 *training in security awareness and public transpor-*
12 *tation system emergency response procedures.*

13 (b) *PRIORITIZED PLANS.*—*A public transportation*
14 *agency that has received an assessment described in sub-*
15 *section (a) shall develop, in consultation with the Secretary*
16 *of Homeland Security, a prioritized plan of needed capital*
17 *and operational security improvements based on the results*
18 *of the assessment.*

19 **SEC. 104. SECURITY ASSISTANCE GRANTS.**

20 (a) *CAPITAL SECURITY ASSISTANCE PROGRAM.*—

21 (1) *IN GENERAL.*—*The Secretary shall make*
22 *grants directly to eligible public transportation agen-*
23 *cies for capital security improvements described in*
24 *paragraph (2).*

1 (2) *ALLOWABLE USE OF FUNDS.*—Grant funds
2 received under paragraph (1) shall be used for—

3 (A) *tunnel protection systems;*

4 (B) *perimeter protection systems;*

5 (C) *redundant critical operations control*
6 *systems;*

7 (D) *chemical, biological, radiological, or ex-*
8 *plosive detection systems;*

9 (E) *surveillance equipment;*

10 (F) *inspection technology;*

11 (G) *communications equipment, including*
12 *mobile service equipment to provide access to 911*
13 *emergency services in an underground fixed*
14 *guideway system;*

15 (H) *emergency response equipment;*

16 (I) *fire suppression and decontamination*
17 *equipment;*

18 (J) *global positioning or automated vehicle*
19 *locator type system equipment;*

20 (K) *evacuation improvements;*

21 (L) *security training for transit employees,*
22 *including bus and rail operators, mechanics, cus-*
23 *tomers service employees, maintenance employees,*
24 *transit police, and security personnel;*

25 (M) *live or simulated drills; and*

1 (N) other capital security improvements.

2 (3) *GOVERNMENT'S SHARE.*—A grant for a cap-
3 ital security improvement project under this sub-
4 section shall be for 80 percent of the net project cost
5 of the project. The recipient may provide additional
6 local matching amounts.

7 (b) *OPERATIONAL SECURITY ASSISTANCE PROGRAM.*—

8 (1) *IN GENERAL.*—The Secretary shall make
9 grants directly to eligible public transportation agen-
10 cies for operational security improvements described
11 in paragraph (2).

12 (2) *ALLOWABLE USE OF FUNDS.*—Grant funds
13 received under paragraph (1) shall be used for—

14 (A) public awareness campaigns for en-
15 hanced public transportation security;

16 (B) canine patrols for chemical, biological,
17 or explosives detection;

18 (C) overtime reimbursement for enhanced
19 security personnel during significant national
20 and international public events, consistent with
21 the priorities established under subsection (e);
22 and

23 (D) other appropriate security improve-
24 ments identified under subsection (e), including
25 hiring additional security personnel determined

1 *necessary under subsection (e), but excluding*
2 *routine, ongoing personnel costs.*

3 (3) *GOVERNMENT'S SHARE.*—*A grant for an op-*
4 *erating security improvement project under this sub-*
5 *section may not exceed 50 percent of the net project*
6 *cost of the project.*

7 (c) *ELIGIBILITY.*—*A public transportation agency*
8 *shall be eligible for a grant under this section if the agency*
9 *has received or is undergoing a public transportation secu-*
10 *rity assessment.*

11 (d) *ALLOCATIONS.*—

12 (1) *IN GENERAL.*—*The Secretary, in consultation*
13 *with the Secretary of Homeland Security, shall allo-*
14 *cate grant funds under this section based on the re-*
15 *sults of public transportation security assessments de-*
16 *scribed in section 103(a) and in a manner that*
17 *prioritizes the award of grant funds each fiscal year*
18 *based on risk, consequences, vulnerability, and threat.*

19 (2) *RESPONSE TO URGENT THREATS.*—*After pro-*
20 *viding written notice to the Committee on Transpor-*
21 *tation and Infrastructure of the House of Representa-*
22 *tives and the Committee on Banking, Housing, and*
23 *Urban Affairs of the Senate, the Secretary may adjust*
24 *grant allocations under this subsection if the Sec-*
25 *retary determines that the adjustment is necessary to*

1 respond to an urgent threat or other significant fac-
2 tors.

3 (e) *SECURITY IMPROVEMENT PRIORITIES.*—

4 (1) *IN GENERAL.*—*The Secretary, in consultation*
5 *with the Secretary of Homeland Security, shall estab-*
6 *lish security improvement priorities for each public*
7 *transportation agency receiving a public transpor-*
8 *tation security assessment.*

9 (2) *CONSULTATION; PRIORITIZED PLAN.*—*The*
10 *Secretary shall establish priorities under paragraph*
11 *(1)—*

12 (A) *in consultation with the management*
13 *and employee representatives of the public trans-*
14 *portation agency; and*

15 (B) *in a manner that is consistent with the*
16 *system’s prioritized plan of needed capital and*
17 *operational security improvements described in*
18 *section 103(b).*

19 (3) *APPLICABILITY.*—*Priorities established under*
20 *paragraph (1) shall apply to funds provided to a*
21 *public transportation agency under this section.*

22 (f) *TRANSIT AGENCY RESPONSIBILITIES.*—*Each pub-*
23 *lic transportation agency that receives a grant under this*
24 *section shall—*

1 (1) *identify a security coordinator to coordinate*
2 *security improvements;*

3 (2) *develop a comprehensive plan that dem-*
4 *onstrates the agency's capacity for operating and*
5 *maintaining the equipment purchased under this sec-*
6 *tion; and*

7 (3) *report annually to the Department of Trans-*
8 *portation on the use of grant funds received under*
9 *this section.*

10 (g) *GRANT REQUIREMENTS.—Except as otherwise spe-*
11 *cifically provided in this title, a grant provided under this*
12 *section shall be subject to the terms and conditions applica-*
13 *ble to grants made under section 5307 of title 49, United*
14 *States Code, and to such other terms and conditions as are*
15 *determined by the Secretary.*

16 **SEC. 105. INTELLIGENCE SHARING.**

17 (a) *INTELLIGENCE SHARING.—The Secretary shall re-*
18 *quest that the Secretary of Homeland Security provide ap-*
19 *propriate and timely notification of all credible terrorist*
20 *threats against public transportation assets in the United*
21 *States.*

22 (b) *INFORMATION SHARING ANALYSIS CENTER.—*

23 (1) *ESTABLISHMENT.—The Secretary shall fund*
24 *the reasonable costs of the Information Sharing and*
25 *Analysis Center for Public Transportation (referred*

1 to in this subsection as the “ISAC”) established pur-
2 suant to Presidential Directive 63 to protect critical
3 infrastructure.

4 (2) *PUBLIC TRANSPORTATION AGENCY PARTICI-*
5 *PATION.—The Secretary—*

6 (A) shall require those public transportation
7 agencies that the Secretary determines to be at
8 significant risk of terrorist attack to participate
9 in the ISAC;

10 (B) shall encourage all other public trans-
11 portation agencies to participate in the ISAC;
12 and

13 (C) shall not charge any public transpor-
14 tation agency a fee for participation in the
15 ISAC.

16 **SEC. 106. REPORTING REQUIREMENT.**

17 (a) *IN GENERAL.—Not later than September 30, 2007,*
18 *the Secretary, in consultation with the Secretary of Home-*
19 *land Security, shall submit to the Committee on Transpor-*
20 *tation and Infrastructure of the House of Representatives*
21 *and the Committee on Banking, Housing, and Urban Af-*
22 *airs of the Senate a report that describes the implementa-*
23 *tion of sections 103 through 105. The Secretary may submit*
24 *the report in classified and unclassified forms.*

25 (b) *CONTENTS.—The report shall include—*

1 (1) a description of the state of public transpor-
2 tation security in the United States; and

3 (2) a description of actions taken by Federal,
4 State, regional, and local governments and private
5 stakeholders to address threats to, and security weak-
6 nesses in, the public transportation system and its as-
7 sets.

8 **SEC. 107. PUBLIC TRANSPORTATION EMPLOYEE SECURITY**
9 **TRAINING PROGRAM.**

10 (a) *IN GENERAL.*—Not later than 90 days after the
11 date of enactment of this Act, the Secretary, in consultation
12 with the Secretary of Homeland Security, appropriate law
13 enforcement, security, and terrorism experts, representatives
14 of public transportation agencies, and representatives of
15 public transportation employees, shall develop and issue
16 guidelines for a public transportation employee security
17 training program to prepare public transportation employ-
18 ees for potential threat conditions.

19 (b) *PUBLIC TRANSPORTATION AGENCY PROGRAMS.*—

20 (1) *IN GENERAL.*—Not later than 90 days after
21 the date on which Secretary issues guidance under
22 subsection (a) in final form, each public transpor-
23 tation agency that has received or is undergoing a
24 public transportation security assessment shall de-

1 *velop an employee training program in accordance*
2 *with such guidance.*

3 (2) *REVIEW AND APPROVAL.*—*Each public trans-*
4 *portation agency referred to in paragraph (1) shall*
5 *submit its employee training program to the Sec-*
6 *retary for review and approval or amendment.*

7 (3) *IMPLEMENTATION.*—*Not later than one year*
8 *after the date on which the Secretary approves an em-*
9 *ployee training program of a public transportation*
10 *agency under paragraph (2), the agency shall com-*
11 *plete employee training in accordance with such pro-*
12 *gram with respect to the employees of the agency*
13 *identified in the agency’s public transportation secu-*
14 *rity assessment. Other public transportation agency*
15 *employees may also be trained under the agency’s em-*
16 *ployee training program.*

17 (c) *REPORTING.*—*As part of the Secretary’s report to*
18 *Congress under section 106, the Secretary shall include an*
19 *analysis of the extent to which public transportation agen-*
20 *cies are successfully carrying out the employee training pro-*
21 *grams described in this section.*

22 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) *CAPITAL SECURITY ASSISTANCE PROGRAM.*—
24 *There is authorized to be appropriated to carry out section*
25 *104(a)—*

1 (1) \$775,000,000 for fiscal year 2007;

2 (2) \$825,000,000 for fiscal year 2008; and

3 (3) \$880,000,000 for fiscal year 2009.

4 (b) *OPERATIONAL SECURITY ASSISTANCE PROGRAM.*—

5 *There is authorized to be appropriated to carry out section*

6 *104(b)*—

7 (1) \$400,000,000 for fiscal year 2007;

8 (2) \$300,000,000 for fiscal year 2008; and

9 (3) \$200,000,000 for fiscal year 2009.

10 (c) *INFORMATION SHARING AND ANALYSIS CENTER.*—

11 *There is authorized to be appropriated to carry out section*

12 *105(b) \$1,000,000 for each of fiscal years 2007 through*

13 *2009.*

14 (d) *PERIOD OF AVAILABILITY.*—*Sums appropriated*

15 *pursuant to this section shall remain available until ex-*

16 *pended.*

17 ***TITLE II—OVER-THE-ROAD BUS***

18 ***SECURITY ASSISTANCE***

19 ***SEC. 201. EMERGENCY OVER-THE-ROAD BUS SECURITY AS-***

20 ***SISTANCE.***

21 (a) *IN GENERAL.*—*The Secretary of Transportation,*

22 *acting through the Administrator of the Federal Motor Car-*

23 *rier Safety Administration, shall establish a program for*

24 *making grants to private operators of over-the-road buses*

1 *for system-wide security improvements to their operations,*
2 *including—*

3 (1) *constructing and modifying terminals, ga-*
4 *rages, facilities, or over-the-road buses to assure their*
5 *security;*

6 (2) *protecting or isolating the driver;*

7 (3) *acquiring, upgrading, installing, or oper-*
8 *ating equipment, software, or accessorial services for*
9 *collection, storage, or exchange of passenger and driv-*
10 *er information through ticketing systems or otherwise,*
11 *and information links with government agencies;*

12 (4) *training employees in recognizing and re-*
13 *sponding to security threats, evacuation procedures,*
14 *passenger screening procedures, and baggage inspec-*
15 *tion;*

16 (5) *hiring and training security officers;*

17 (6) *installing cameras and video surveillance*
18 *equipment on over-the-road buses and at terminals,*
19 *garages, and over-the-road bus facilities;*

20 (7) *creating a program for employee identifica-*
21 *tion or background investigation;*

22 (8) *establishing an emergency communications*
23 *system linked to law enforcement and emergency per-*
24 *sonnel; and*

1 (9) *implementing and operating passenger*
2 *screening programs at terminals and on over-the-road*
3 *buses.*

4 (b) *FEDERAL SHARE.*—*The Federal share of the cost*
5 *for which any grant is made under this section shall be*
6 *80 percent.*

7 (c) *GRANT REQUIREMENTS.*—*A grant under this sec-*
8 *tion shall be subject to all the terms and conditions that*
9 *a grant is subject to under section 3038(f) of the Transpor-*
10 *tation Equity Act for the 21st Century (49 U.S.C. 5310*
11 *note; 112 Stat. 393).*

12 (d) *REPORT ON INDUSTRY PRIORITIES.*—

13 (1) *STUDY.*—*The Administrator of the Federal*
14 *Motor Carrier Safety Administration shall conduct a*
15 *study of—*

16 (A) *the critical assets and systems of the na-*
17 *tionwide over-the-road bus industry;*

18 (B) *security threats to the assets and sys-*
19 *tems;*

20 (C) *security weaknesses in the assets and*
21 *systems; and*

22 (D) *redundant and backup systems required*
23 *to ensure the continued operation of critical ele-*
24 *ments of the assets and systems in the event of*
25 *an attack or other incident.*

1 (2) *CONSULTATION.*—*In conducting the study,*
2 *the Administrator shall consult with representatives*
3 *of private over-the-road bus operators and the employ-*
4 *ees of such operators.*

5 (3) *REPORT.*—*Not later than 180 days after the*
6 *date of enactment of this Act, the Administrator shall*
7 *submit to the Secretary of Transportation and the*
8 *Secretary of Homeland Security a report, based on*
9 *the results of the study, detailing the critical assets,*
10 *threats, and weaknesses in the over-the-road bus in-*
11 *dustry. The Administrator shall update the report on*
12 *an annual basis.*

13 (e) *ALLOCATION OF GRANTS.*—*The Secretary of Trans-*
14 *portation, in consultation with the Secretary of Homeland*
15 *Security, shall establish priorities for the allocation of*
16 *grants under this section based on the report required by*
17 *subsection (d)(3) and shall make grants under this section*
18 *in accordance with those priorities.*

19 **SEC. 202. PLAN REQUIREMENT.**

20 (a) *IN GENERAL.*—*The Secretary of Transportation*
21 *may not make a grant under section 201 to a private oper-*
22 *ator of over-the-road buses until the operator has first sub-*
23 *mitted to the Secretary an application containing—*

1 (1) *a plan for making security improvements de-*
2 *scribed in section 201 and the Secretary has approved*
3 *the plan; and*

4 (2) *such additional information as the Secretary*
5 *may require to ensure accountability for the obliga-*
6 *tion and expenditure of amounts made available to*
7 *the operator under the grant.*

8 (b) *COORDINATION.*—*To the extent that an application*
9 *for a grant submitted under this section proposes security*
10 *improvements within a specific terminal owned and oper-*
11 *ated by an entity other than the applicant, the applicant*
12 *shall demonstrate to the satisfaction of the Secretary that*
13 *the applicant has coordinated the security improvements for*
14 *the terminal with that entity.*

15 (c) *CONSULTATION WITH DHS.*—*In approving plans*
16 *under subsection (a)(1), the Secretary may consult with the*
17 *Secretary of Homeland Security.*

18 **SEC. 203. OVER-THE-ROAD BUS DEFINED.**

19 *In this title, the term “over-the-road bus” means a bus*
20 *characterized by an elevated passenger deck located over a*
21 *baggage compartment.*

22 **SEC. 204. BUS SECURITY ASSESSMENT.**

23 (a) *IN GENERAL.*—*Not later than 180 days after the*
24 *date of enactment of this Act, the Secretary of Transpor-*
25 *tation shall transmit to the Committee on Transportation*

1 *and Infrastructure of the House of Representatives and the*
2 *Committee on Commerce, Science, and Transportation of*
3 *the Senate a preliminary report in accordance with the re-*
4 *quirements of this section.*

5 (b) *CONTENTS OF PRELIMINARY REPORT.*—*The pre-*
6 *liminary report shall include—*

7 (1) *an assessment of the over-the-road bus secu-*
8 *rity grant program;*

9 (2) *an assessment of actions already taken to ad-*
10 *dress identified security issues by both public and*
11 *private entities and recommendations on whether ad-*
12 *ditional safety and security enforcement actions are*
13 *needed;*

14 (3) *an assessment of whether additional legisla-*
15 *tion is needed to provide for the security of Americans*
16 *traveling on over-the-road buses;*

17 (4) *an assessment of the economic impact that*
18 *security upgrades of buses and bus facilities may have*
19 *on the over-the-road bus transportation industry and*
20 *its employees;*

21 (5) *an assessment of ongoing research and the*
22 *need for additional research on over-the-road bus se-*
23 *curity, including engine shut-off mechanisms, chem-*
24 *ical and biological weapon detection technology, and*

1 *the feasibility of compartmentalization of the driver;*
2 *and*

3 *(6) an assessment of industry best practices to*
4 *enhance security.*

5 *(c) CONSULTATION WITH INDUSTRY, LABOR, AND*
6 *OTHER GROUPS.—In carrying out this section, the Sec-*
7 *retary shall consult with over-the-road bus management*
8 *and labor representatives, public safety and law enforce-*
9 *ment officials, and the National Academy of Sciences.*

10 **SEC. 205. FUNDING.**

11 *There is authorized to be appropriated to the Secretary*
12 *of Transportation to carry out this title \$50,000,000 for*
13 *each of fiscal years 2007 through 2009. Such sums shall*
14 *remain available until expended.*

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A BILL

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