

HR 1401

Rail and Public Transportation Security Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Transportation and Public Works

Introduced: Mar 8, 2007

Current Status: For Further Action See Titles XII, XIII, XIV and XV of H.R. 1.

Latest Action: For Further Action See Titles XII, XIII, XIV and XV of H.R. 1. (Aug 3, 2007)

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Sponsor

Name: Rep. Thompson, Bennie G. [D-MS-2]

Party: Democratic • State: MS • Chamber: House

Cosponsors (18 total)

Cosponsor	Party / State	Role	Date Joined
Del. Christensen, Donna M. [D-VI-At Large]	D · VI		Mar 8, 2007
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Mar 8, 2007
Rep. Carney, Christopher P. [D-PA-10]	D · PA		Mar 8, 2007
Rep. Clarke, Yvette D. [D-NY-11]	D · NY		Mar 8, 2007
Rep. Cuellar, Henry [D-TX-28]	D · TX		Mar 8, 2007
Rep. Dicks, Norman D. [D-WA-6]	D · WA		Mar 8, 2007
Rep. Etheridge, Bob [D-NC-2]	D · NC		Mar 8, 2007
Rep. Green, Al [D-TX-9]	D · TX		Mar 8, 2007
Rep. Harman, Jane [D-CA-36]	D · CA		Mar 8, 2007
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Mar 8, 2007
Rep. King, Peter T. [R-NY-3]	R · NY		Mar 8, 2007
Rep. Langevin, James R. [D-RI-2]	D · RI		Mar 8, 2007
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Mar 8, 2007
Rep. Lowey, Nita M. [D-NY-18]	D · NY		Mar 8, 2007
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Mar 8, 2007
Rep. Markey, Edward J. [D-MA-7]	D · MA		Mar 8, 2007
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Mar 8, 2007
Rep. Sanchez, Loretta [D-CA-47]	D · CA		Mar 8, 2007

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Referred To	Mar 29, 2007
Homeland Security Committee	House	Reported By	Mar 22, 2007
Transportation and Infrastructure Committee	House	Referred to	Mar 9, 2007
Transportation and Infrastructure Committee	House	Referred to	Mar 9, 2007

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
110 HR 1269	Related bill	Aug 3, 2007: For Further Action See P.L. 110-53, Titles XIV and XV.
110 HRES 270	Procedurally related	Mar 27, 2007: Motion to reconsider laid on the table Agreed to without objection.
110 S 763	Related bill	Mar 13, 2007: Star Print ordered on the report to accompany the bill (Report 110-32).
110 S 184	Related bill	Mar 1, 2007: By Senator Inouye from Committee on Commerce, Science, and Transportation filed written report. Report No. 110-29.

Rail and Public Transportation Security Act of 2007 - **Title I: Rail and Public Transportation Security** - (Sec. 101) Directs the Secretary of Homeland Security (Secretary) for the Department of Homeland Security (DHS) to develop and implement a plan entitled the National Strategy for Rail and Public Transportation Security.

(Sec. 102) Requires the Secretary to assign each railroad carrier, public transportation operator, or over-the-road bus private operator (covered transportation) to a certain risk-based tier.

(Sec. 103) Directs the Secretary to issue regulations that: (1) require each provider of covered transportation assigned to a high- or medium-risk tier to assess their vulnerability to terrorism and to implement, subject to approval of the Secretary, a security plan that addresses certain security performance requirements; (2) establish standards for such assessments and plans; and (3) establish a security program for providers of covered transportation not assigned to a high- or medium-risk tier.

Imposes civil and criminal penalties for failure to comply with the requirements of this Act.

Requires the periodic review of vulnerability assessments and security plans by each provider of covered transportation.

Requires the Secretary to report to Congress on the feasibility of implementing named-based checks against terrorist watch lists for all National Railroad Passenger Corporation (Amtrak) passengers.

(Sec. 104) Directs the Secretary to develop, and submit to Congress, an information sharing plan to develop strategic intelligence on threats and vulnerabilities to covered transportation for dissemination to federal, state, and local agencies, tribal governments, and appropriate stakeholders.

(Sec. 105) Requires the Secretary to establish a program to make grants to providers of covered transportation with completed vulnerability assessments and approved security plans for certain security improvements. Authorizes appropriations for FY2008-FY2011.

(Sec. 108) Authorizes appropriations for FY2008-FY2011 to the Secretary to make grants to Amtrak for certain fire and life-safety improvements to tunnels on the Northeast Corridor.

(Sec. 109) Requires the Secretary to: (1) develop training programs to prepare covered transportation workers (including front-line employees) for potential threat conditions; and (2) establish a security exercises program for such workers and other named entities to respond to acts of terrorism. Requires each provider of covered transportation to: (1) develop, and submit for approval by the Secretary, a security training program; and (2) complete, not later than one year after approval, the training of all covered workers.

(Sec. 111) Requires the Secretary to carry out a research and development (R&D) program to improve the security of covered transportation. Authorizes appropriations for FY2008-FY2011.

(Sec. 112) Sets forth: (1) certain whistleblower protections for DHS, Department of Transportation (DOT), and covered transportation employees (including contractors and subcontractors) who have provided information or otherwise assisted in any investigation regarding certain conduct, or who have refused to violate or assist in the violation of any regulation, related to covered transportation security; and (2) criminal penalties for persons who violate such requirements. Directs the Attorney General to report annually to Congress on the enforcement of such requirements.

(Sec. 113) Directs the Secretary to increase the total number of full-time DHS surface transportation security inspectors to at least 600 by December 31, 2010.

(Sec. 114) Establishes in DHS a National Domestic Preparedness Consortium. Authorizes appropriations for FY2008-FY2011.

(Sec. 115) Authorizes the Secretary, acting through the Administrator of the Transportation Security Administration (TSA), to develop Visible Intermodal Protection Response (VIPR) teams to augment security for any mode of transportation at any location within the United States.

(Sec. 116) Establishes a National Transportation Security Center of Excellence at an institution of higher education to conduct research and education activities, and develop or provide professional security training (including training of rail and public transportation employees), with emphasis on the use of intelligent transportation systems, technologies, and architectures.

(Sec. 117) Provides that any statutory limitation on the number of TSA employees shall not apply to employees carrying out this Act.

(Sec. 118) Requires all security-related grants distributed under this Act to be administered on the basis of risk.

(Sec. 119) Directs the Secretary to implement a threat assessment screening program for covered transportation employees (including contractors and subcontractors).

(Sec. 120) Requires each provider of covered transportation to provide an adequate redress process for its employees (including contractors and subcontractors) who are adversely affected by background checks performed by the provider.

(Sec. 121) Establishes a task force to review lists of crimes that disqualify individuals from certain transportation-related employment under TSA regulations and to assess whether such lists are accurate indicators of a terrorism security risk.

(Sec. 122) Sets forth civil penalties for violations of regulations and orders of the Secretary.

(Sec. 123) Directs the Secretary to submit to Congress a threat assessment of a terrorist attack on the Nation's school bus transportation system.

(Sec. 124) Directs the Secretary to issue regulations to require certain enhanced security measures for shipments of security sensitive materials.

(Sec. 125) Directs the Secretary, acting through the Under Secretary for Science and Technology and the Director of the Domestic Nuclear Detection Office, to establish national voluntary consensus standards for the testing and use of technologies to improve the security of covered transportation. Directs the Secretary to utilize the Technology Clearinghouse to identify, acquire, and deploy technology and training for use by federal, state, local, and tribal agencies, emergency response providers, providers of covered transportation, shippers of hazardous materials, and others to prevent and respond to acts of terrorism on covered transportation.

(Sec. 126) Directs the Secretary and the Secretary of Transportation to jointly assess likely methods of deliberate attacks against rail tank cars used to transport toxic-inhalation-hazard materials, including the degree to which such methods may be successful in causing death, injury, or serious adverse effects to human health, the environment, or public welfare. Requires the Secretary to report to Congress on such assessment.

Requires the Secretary, acting through the National Infrastructure Simulation and Analysis Center, to conduct air dispersion modeling analysis of a release of such materials from a rail tank car in an urban area. Requires the Secretary to report to Congress detailing conclusions and findings with respect to such analysis.

(Sec. 127) Directs the Domestic Nuclear Detection Office to evaluate prototype systems (including spectroscopic technologies) to detect nuclear or radiological materials on the rails. Requires, upon completion of such evaluation, the Office, in coordination with Customs and Border Protection and the TSA, to ensure that certain protocols are established and a deployment strategy is developed to detect such materials arriving by rail. Requires, not later than September 30, 2008, the Office to report to Congress on such evaluation and strategy.

(Sec. 128) Requires recipients of grants for purchase of security plan technologies to give preference to qualified anti-terrorism technologies and technologies that are eligible for liability protections.

(Sec. 130) Requires the Secretary with respect to the screening of in-bound rail shipments to the United States for terrorists or weapons of mass destruction to: (1) deploy, where practicable, non-intrusive inspection imaging equipment at locations where rail shipments cross an international border to enter the United States; or (2) implement alternative procedures to screen such rail shipments at locations where deployment of such equipment is not practicable.

(Sec. 131) Directs the Secretary, in carrying out the threat assessment screening program for covered transportation employees (including contractors and subcontractors), to require high-risk tier providers of covered transportation to submit the names of their employees to the Secretary to conduct checks against terrorist watchlists and immigration status databases.

(Sec. 132) Directs the Comptroller General to conduct, and submit to Congress, an annual review regarding the administration and use of grants awarded under this Act.

(Sec. 133) Makes the Secretary the principal federal official responsible for transportation security. Delineates the roles and responsibilities of DHS and the Department of Transportation (DOT) in carrying out the requirements of this Act.

(Sec. 134) Directs the Secretary to assess, and report the results to Congress on, the safety and security vulnerabilities of placing high voltage electric transmission lines along active railroad rights-of-way.

(Sec. 135) Directs the Secretary to conduct a study of, and report to Congress on, foreign rail security practices, including the feasibility of implementing such practices in the United States.

(Sec. 136) Directs the Secretary of Transportation to establish a program to coordinate with state and local governments to minimize the need to transport toxic inhalation hazardous materials by rail.

(Sec. 137) Grants immunity from civil liability to persons who report threats to or acts of terrorism against transportation systems or passengers.

Title II: Secure Transportation Through Increased Use of Canine Detection Teams - (Sec. 201) Requires the Secretary to encourage, and coordinate with owners and providers of covered transportation to encourage, the deployment of canine detection teams at high-risk transportation systems at an increase of not less than ten percent of such teams at high-risk rail and mass transit systems for each fiscal year for FY2008-FY2012.

(Sec. 202) Authorizes the TSA's National Explosives Detection Canine Team Program to train up to an additional 100 canine detection teams per year, with at least a specified number of additional teams trained for each fiscal year for

FY2008-FY2012. Requires detection teams to be deployed at covered transportation systems across the country. Directs the Administrator of TSA to report to Congress on personnel and resources needed to fulfill such requirements. Authorizes appropriations.

(Sec. 203) Requires the TSA Puppy Program to increase the number of domestically bred canines to meet the increase in demand for canine detection teams. Directs the Administrator of TSA to report to Congress on personnel and resources needed to fulfill such requirements. Authorizes appropriations.

Actions Timeline

- **Aug 3, 2007:** For Further Action See Titles XII, XIII, XIV and XV of H.R. 1.
- **Mar 28, 2007:** Received in the Senate and Read twice and referred to the Committee on Commerce, Science, and Transportation.
- **Mar 27, 2007:** Rule H. Res. 270 passed House.
- **Mar 27, 2007:** Considered under the provisions of rule H. Res. 270. (consideration: CR H3099-3149; text of measure as reported in House: CR H3111-3122)
- **Mar 27, 2007:** Rule provides for consideration of H.R. 1401 with 1 hour and 20 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill.
- **Mar 27, 2007:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 270 and Rule XVIII.
- **Mar 27, 2007:** The Speaker designated the Honorable G. K. Butterfield to act as Chairman of the Committee.
- **Mar 27, 2007:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour and twenty minutes of general debate on H.R. 1401.
- **Mar 27, 2007:** DEBATE - Pursuant to the provisions of H.Res. 270, the Committee of the Whole proceeded with ten minutes of debate on the Thompson amendment.
- **Mar 27, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Thompson (MS) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the yeas had prevailed. Mr. LaTourette demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 27, 2007:** DEBATE - Pursuant to the provisions of H.Res. 270, the Committee of the Whole proceeded with ten minutes of debate on the Arcuri amendment.
- **Mar 27, 2007:** DEBATE - Pursuant to the provisions of H.Res. 270, the Committee of the Whole proceeded with ten minutes of debate on the Cohen amendment.
- **Mar 27, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Cohen amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the yeas had prevailed. Mr. Cohen demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 27, 2007:** DEBATE - Pursuant to the provisions of H.Res. 270, the Committee of the Whole proceeded with ten minutes of debate on the Castle amendment.
- **Mar 27, 2007:** DEBATE - Pursuant to the provisions of H.Res. 270, the Committee of the Whole proceeded with ten minutes of debate on the Sessions amendment.
- **Mar 27, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Sessions amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Sessions demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 27, 2007:** DEBATE - Pursuant to the provisions of H.Res. 270, the Committee of the Whole proceeded with ten minutes of debate on the Flake amendment.
- **Mar 27, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Flake amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Flake demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 27, 2007:** DEBATE - Pursuant to the provisions of H.Res. 270, the Committee of the Whole proceeded with ten minutes of debate on the Lynch amendment.
- **Mar 27, 2007:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Mar 27, 2007:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1401.
- **Mar 27, 2007:** The previous question was ordered pursuant to the rule. (consideration: CR H3146)
- **Mar 27, 2007:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (consideration: CR H3146)

- Mar 27, 2007:** Mr. King (NY) moved to recommit with instructions to Homeland Security. (consideration: CR H3146-3148; text: CR H3146)
- **Mar 27, 2007:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the King (NY) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment inserting provisions on immunity for reporting suspicious activities and mitigating terrorist threats relating to transportation security.
 - **Mar 27, 2007:** On motion to recommit with instructions Agreed to by recorded vote: 304 - 121 (Roll no. 200).
 - **Mar 27, 2007:** Passed/agreed to in House: On passage Passed by recorded vote: 299 - 124, 1 Present (Roll no. 201).
 - **Mar 27, 2007:** On passage Passed by recorded vote: 299 - 124, 1 Present (Roll no. 201).
 - **Mar 27, 2007:** Motion to reconsider laid on the table Agreed to without objection.
 - **Mar 27, 2007:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1401.
 - **Mar 26, 2007:** Rules Committee Resolution H. Res. 270 Reported to House. Rule provides for consideration of H.R. 1401 with 1 hour and 20 minutes of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill.
 - **Mar 22, 2007:** Reported (Amended) by the Committee on Homeland Security. H. Rept. 110-65, Part I.
 - **Mar 22, 2007:** Committee on Transportation discharged.
 - **Mar 22, 2007:** Placed on the Union Calendar, Calendar No. 36.
 - **Mar 13, 2007:** Committee Consideration and Mark-up Session Held.
 - **Mar 13, 2007:** Ordered to be Reported (Amended) by Voice Vote.
 - **Mar 9, 2007:** Referred to the Subcommittee on Highways and Transit.
 - **Mar 9, 2007:** Referred to the Subcommittee on Railroads, Pipelines, and Hazardous Materials.
 - **Mar 8, 2007:** Introduced in House
 - **Mar 8, 2007:** Referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.