

SUMMARY:

Transportation Security Improvement Act of 2005

Introduced by Senators Ted Stevens (R-Alaska), Daniel Inouye (D-HI), and Jay Rockefeller (D-W.V.) on May 17, 2005

Co-sponsored by Olympia Snowe (R-Maine), Frank Lautenberg (D-N.J.), Byron Dorgan (D-N.D.), Barbara Boxer (D-Calif.), Maria Cantwell (D-Wash.), Mark Pryor (D-Ark.), Hillary Clinton (D-N.Y.), and Chuck Schumer (D-N.Y.)

OVERVIEW

Four years after landmark transportation security measures were enacted into law, Congress is at a crossroads regarding the future of transportation security in America. Recent reorganizations and budgetary decisions affecting the Transportation Security Administration (TSA) have marginalized maritime and surface transportation security, suggested re-privatization of aviation security, and offered inadequate funding. Senators Stevens, Inouye, Rockefeller and their colleagues remain committed to the concept that transportation security is a national security function and an economic necessity. With the Transportation Security Improvement Act, they seek to lead a second phase of development for America's transportation security efforts.

- **TSA LEADS ACROSS MODES:** Addresses aviation, rail, hazardous materials, trucking and bus security needs; Establishes TSA as the lead agency responsible for domestic cargo security across all modes of transportation; Establishes a regional command structure for TSA Maritime and Land Security initiatives.
- **WORKFORCE MANAGEMENT:** Allows TSA to manage its workforce by removing the existing 45,000 full time equivalent employee cap to strengthen security and ensure that airport wait times are reduced.
- **PREPAREDNESS AND TRAINING:** Provides guidance to TSA in managing its resources and working with various transportation sectors to improve security preparedness and to ensure that plans are in place for post-incident situations.
- **REQUISITE FUNDING:** Authorizes programs of TSA for FY 2006-2008 at \$19.34 billion (see below for specific authorization levels).

MARITIME SECURITY

- **CARGO SECURITY:** Ensures a clear chain of command for cargo security by requiring the US Customs and Border Patrol (CBP) to develop standards for the evaluation, screening and inspection of cargo prior to loading in a foreign port for shipment to the United States; Improves inspection targeting of high-risk cargo by requiring importers to file entry 24-hours prior to loading at a foreign port; Clarifies the requirements for an expedited clearance of cargo through the Secure Systems of Transportation Program.

- **JOINT OPERATIONAL COMMAND CENTERS:** Establishes additional Joint Operation Command Centers at Tier 1 strategic ports to improve interagency cooperation, unity of command, and intelligence sharing.
- **ASSISTANCE TO FOREIGN PORTS:** Requires an interagency review of existing foreign assistance programs that can be used to assist foreign ports in implementing port security antiterrorism measures.
- **PLAN TO RESUME COMMERCE:** Directs DHS to give vessels with USCG-certified security plans preference for port access in the resumption of trade after a security incident.
- **REGIONAL SECURITY PLANS:** Requires regional security plans to identify salvage resources upon the next 5-year renewal.
- **TWIC PROGRAM:** Imposes a deadline for the development of the Transportation Worker Identification Credentialing (TWIC) Program of January 1, 2006.
- **PORT SECURITY TECHNOLOGIES:** Ensures funding for port security technology pilot projects authorized last year and sets a minimum floor for R&D funding related to maritime and land.
- **PORT SECURITY GRANTS:** Requires port security grants to be risk-based and allows for multiple year funding of projects.

RAIL SECURITY

- **THREAT ASSESSMENTS:** Requires TSA to conduct a railroad sector threat assessment and submit prioritized recommendations for improving rail security; Requires TSA and DOT to clarify respective roles for rail security.
- **FUNDING FOR SECURITY UPGRADES, TUNNEL SAFETY:** Provides grants through TSA to Amtrak, freight railroads and others to upgrade security across the entire railroad system; Provides funding through DOT to upgrade Amtrak railroad tunnels in NY, Washington and Baltimore to modern safety and security standards.
- **TRACKING OF HAZMAT SHIPMENTS:** Creates a DOT rail security research and development program and encourages the deployment of rail car tracking equipment for high-hazard materials rail shipments; Requires railroads shipping high-hazard materials to create threat mitigation plans.
- **SECURITY TRAINING FOR RAIL WORKERS:** Requires railroads to create a railroad worker security training program and provides whistleblower protection for rail workers who report security concerns.
- **TRACK, TANK CAR SAFETY IMPROVEMENTS:** Codifies NTSB recommendations to improve track and tank car safety and improves NTSB and DOT response for railroad accident victims' families.

- **PILOT PROGRAM FOR PASSENGER, BAGGAGE SCREENING:** Authorizes a pilot program for passenger, baggage and cargo screening and authorizes a GAO study of foreign rail transportation security programs.
- **STUDIES ON PASSENGER SCREENING, IMMIGRATION PROCESSING, GRADE CROSSINGS:** Authorizes studies on improving passenger rail security screening and immigration processing along the northern border and on security at rail grade crossings.

AVIATION SECURITY

- **SECURITY FEES:** Prohibits the TSA from increasing security fees on air carriers until Congress reviews and approves such an increase; Requires the DHS to study the possibility of placing the onus for collecting the airline passenger security fee on TSA rather than the airlines, and to develop an alternative system for collection of such fees. As part of this provision TSA must report to Congress, solicit proposals, and implement a demonstration project if feasible.
- **TRAINING:** Mandates TSA review the adequacy of existing screener training and report to Congress; Requires DHS develop a pilot program to establish screener workforce internships at airports.
- **FOREIGN REPAIR STATIONS:** Prohibits the certification of foreign repair stations until TSA and FAA review, audit and develop regulations for such facilities as required under PL 108-240 (Vision-100).
- **BACKGROUND CHECKS:** Amends background check requirement for aviation workers to allow for privacy protections, and waiver and appeals processes as workers in other modes receive.

HAZMAT, PIPELINE AND MOTOR CARRIER SECURITY

- **BUS SECURITY FUNDING:** Provides grants through TSA to improve intercity bus security.
- **BACKGROUND CHECKS FOR FOREIGN COMMERCIAL DRIVERS:** Subjects foreign commercial drivers transporting hazardous materials in the U.S. to security background checks (as we currently do for all U.S. drivers).
- **TRACKING AND WRITTEN PLANS FOR HIGH-HAZARD SHIPMENTS:** Requires motor carriers of high-hazard material shipments to have wireless tracking and communications capabilities and written plans for highway routes of certain high hazard shipments.
- **GUIDELINES FOR TRUCK RENTAL, LEASING:** Requires TSA to develop and issue best practices and training guidelines for truck rental/leasing security.

- **HAZMAT, PIPELINE SECURITY PLANS:** Requires TSA and DOT to clarify respective roles for hazmat and pipeline security; Requires TSA to develop a pipeline security incident recovery plan; Provides funding for TSA inspections of hazmat and pipelines security plans.
- **NATIONAL RESPONSE CENTER FOR THREATS ON CARRIERS:** Creates a national public sector response center to receive and distribute wireless communications emergency and threat information to TSA, emergency responders, and carriers.

FUNDING: General Authorization Levels for Specific Program Areas

Aviation Security-	FY'06= \$5B	FY'07= \$5.25B	FY'08=\$5.5B
Maritime & Land Security-	FY'06=\$394M	FY'07=\$354M	FY'08=\$354M
Intelligence-	FY'06=\$30M	FY'07=\$32M	FY'08=\$34M
Research & Development-	FY'06=\$30M	FY'07=\$32M	FY'08=\$34M
Administration-	FY'06=\$530M	FY'07=\$535M	FY'08=\$540M
DOT Rail Security	<u>FY'06=\$261M</u>	<u>FY'07=\$258M</u>	<u>FY'08=\$258M</u>
Totals -	FY'06=\$6.24B	FY'07=\$6.39B	FY'08=\$6.71B