

HR 1493 IH

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H. R. 1493

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

IN THE HOUSE OF REPRESENTATIVES

March 13, 2007

Mr. MICA (for himself, Mr. DUNCAN, Mr. SHUSTER, Mr. YOUNG of Alaska, Mr. PETRI, Mr. COBLE, Mr. EHLERS, Mr. LATOURETTE, Mr. GARY G. MILLER of California, Mr. HAYES, Mr. BROWN of South Carolina, Mr. PLATTS, Mr. MACK, Mr. KUHLMAN of New York, Mr. WESTMORELAND, Mrs. SCHMIDT, Mr. BOUSTANY, Mrs. DRAKE, Ms. FALLIN, and Mr. BUCHANAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Public Transportation and Rail Security Assistance Act of 2007'.

TITLE I--PUBLIC TRANSPORTATION SECURITY

SEC. 101. FINDINGS; PURPOSE.

(a) Findings- Congress finds that--

(1) throughout the world, public transportation systems have been a primary target of terrorist attacks, causing countless deaths and injuries;

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

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

(4) safe and secure public transportation systems are essential to the Nation's economy and for significant national and international public events;

(5) the Federal Transit Administration has invested \$84,500,000,000 since 1992 for construction and improvements to the Nation's public transportation systems;

(6) the Federal Government appropriately invested \$19,600,000,000 in fiscal years 2002 through 2006 to protect the Nation's aviation system and its 2,000,000 daily passengers;

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

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

(9) the Government Accountability Office, the Mineta International Institute for Surface Transportation Policy Studies, the American Public Transportation Association, and other experts have reported an urgent need for significant investment in transit security improvements;

(10) Federal financial assistance for transit security improvements should be separate from and supplementary to funding for longstanding Federal programs for investment in public transportation infrastructure;

(11) the final report of the National Commission on Terrorist Attacks Upon the United States (also known as the `9/11 Commission') found that the Federal Government should--

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

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

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

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

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

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

SEC. 102. DEFINITIONS.

In this title, the following definitions apply:

(1) PUBLIC TRANSPORTATION- The term `public transportation' has the meaning given the term in section 5302(a) of title 49, United States Code.

(2) PUBLIC TRANSPORTATION SECURITY ASSESSMENT- The term `public transportation security assessment' means a risk assessment

(including a criticality or vulnerability assessment) of a public transportation system conducted pursuant to the annex executed under section 3028(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 5321 note; 119 Stat. 1624).

(3) SECRETARY- The term `Secretary' means the Secretary of Transportation, except as otherwise specifically provided.

SEC. 103. COMPONENTS OF SECURITY ASSESSMENTS AND PRIORITIZED PLANS.

(a) Security Assessments- The Secretary shall request that the Secretary of Homeland Security take necessary actions to ensure that the public transportation security assessment of each public transportation system identifies--

- (1) the critical assets of the public transportation system;
- (2) threats to those assets;
- (3) security weaknesses in the public transportation system and its assets;
- (4) redundant and backup systems required to ensure the continued operation of critical elements of the public transportation system in the event of an attack or other incident; and
- (5) the extent to which public transportation employees, including bus and rail operators, mechanics, customer service personnel, maintenance employees, transit police, and security personnel, have received training in security awareness and public transportation system emergency response procedures.

(b) Prioritized Plans- A public transportation agency that has received an assessment described in subsection (a) shall develop, in consultation with the Secretary of Homeland Security, a prioritized plan of needed capital and operational security improvements based on the results of the assessment.

SEC. 104. NATIONAL PUBLIC TRANSPORTATION SECURITY NEEDS ASSESSMENT.

(a) In General- The Secretary shall develop a national public transportation security needs assessment (in this section referred to as the `national assessment') to determine the total costs of needed capital and operational security improvements for the Nation's public transportation systems.

(b) Use of Prioritized Plans Developed by Public Transportation Agencies- The Secretary shall develop the national assessment based on prioritized plans developed by public transportation agencies under section 103(b).

(c) Recommended Funding Levels- The national assessment shall include recommended funding levels for each of fiscal years 2008 through 2010 for carrying out the capital security assistance program authorized by section 105(a) and the operational security assistance program authorized by section 105(b).

(d) Report- Not later than 90 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the national assessment.

SEC. 105. SECURITY ASSISTANCE GRANTS.

(a) Capital Security Assistance Program-

(1) IN GENERAL- The Secretary shall make grants directly to eligible public transportation agencies for capital security improvements described in paragraph (2).

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

(A) tunnel protection systems;

(B) perimeter protection systems;

(C) redundant critical operations control systems;

(D) chemical, biological, radiological, or explosive detection systems;

(E) surveillance equipment;

(F) inspection technology;

(G) interoperable communications systems and equipment, including mobile service equipment to provide access to 911 emergency services in an underground fixed guideway system;

(H) emergency response equipment;

(I) fire suppression and decontamination equipment;

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

(K) evacuation improvements;

(L) security training for transit employees, including bus and rail operators, mechanics, customer service employees, maintenance employees, transit police, and security personnel;

(M) live or simulated drills; and

(N) other capital security improvements.

(3) Government's SHARE- A grant for a capital security improvement project under this subsection shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

(b) Operational Security Assistance Program-

(1) IN GENERAL- The Secretary shall make grants directly to eligible public transportation agencies for operational security improvements described in paragraph (2).

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

(A) public awareness campaigns for enhanced public transportation security;

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

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

(D) other appropriate security improvements identified under subsection (e), including hiring additional security personnel determined necessary under subsection (e), but excluding routine, ongoing personnel costs.

(3) Government's SHARE- A grant for an operating security improvement project under this subsection may not exceed 50 percent of the net project cost of the project.

(c) Eligibility- A public transportation agency shall be eligible for a grant under this section if the agency has received or is undergoing a public transportation security assessment.

(d) Allocations-

(1) IN GENERAL- The Secretary, in consultation with the Secretary of Homeland Security, shall allocate grant funds under this section based on the results of public transportation security assessments described in section 103(a) and in a manner that prioritizes the award of grant funds each fiscal year based on risk, consequences, vulnerability, and threat.

(2) RESPONSE TO URGENT THREATS- After providing written notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Secretary may adjust grant allocations under this subsection if the Secretary determines that the adjustment is necessary to respond to an urgent threat or other significant factors.

(e) Security Improvement Priorities-

(1) IN GENERAL- The Secretary, in consultation with the Secretary of Homeland Security, shall establish security improvement priorities for

each public transportation agency receiving a public transportation security assessment.

(2) CONSULTATION; PRIORITIZED PLAN- The Secretary shall establish priorities under paragraph (1)--

(A) in consultation with the management and employee representatives of the public transportation agency; and

(B) in a manner that is consistent with the system's prioritized plan of needed capital and operational security improvements described in section 103(b).

(3) APPLICABILITY- Priorities established under paragraph (1) shall apply to funds provided to a public transportation agency under this section.

(f) Transit Agency Responsibilities- Each public transportation agency that receives a grant under this section shall--

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

(2) develop a comprehensive plan that demonstrates the agency's capacity for operating and maintaining the equipment purchased under this section; and

(3) report annually to the Department of Transportation on the use of grant funds received under this section.

(g) Grant Requirements- Except as otherwise specifically provided in this title, a grant provided under this section shall be subject to the terms and conditions applicable to grants made under section 5307 of title 49, United States Code, and to such other terms and conditions as are determined by the Secretary.

SEC. 106. INTELLIGENCE SHARING.

(a) Intelligence Sharing- The Secretary shall request that the Secretary of Homeland Security provide appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.

(b) Information Sharing Analysis Center-

(1) ESTABLISHMENT- The Secretary shall fund the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the 'ISAC') established pursuant to Presidential Directive 63 to protect critical infrastructure.

(2) PUBLIC TRANSPORTATION AGENCY PARTICIPATION- The Secretary--

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

(B) shall encourage all other public transportation agencies to participate in the ISAC; and

(C) shall not charge any public transportation agency a fee for participation in the ISAC.

SEC. 107. REPORTING REQUIREMENT.

(a) In General- Not later than September 30, 2008, the Secretary, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that describes the implementation of sections 103 through 106. The Secretary may submit the report in classified and unclassified forms.

(b) Contents- The report shall include--

(1) a description of the state of public transportation security in the United States; and

(2) a description of actions taken by Federal, State, regional, and local governments and private stakeholders to address threats to, and security weaknesses in, the public transportation system and its assets.

SEC. 108. PUBLIC TRANSPORTATION EMPLOYEE SECURITY TRAINING PROGRAM.

(a) In General- Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security, appropriate law enforcement, security, and terrorism experts, representatives of public transportation agencies, and representatives of public transportation employees, shall develop and issue guidelines for a public transportation employee security training program to prepare public transportation employees for potential threat conditions.

(b) Public Transportation Agency Programs-

(1) IN GENERAL- Not later than 90 days after the date on which Secretary issues guidance under subsection (a) in final form, each public transportation agency that has received or is undergoing a public transportation security assessment shall develop an employee training program in accordance with such guidance.

(2) REVIEW AND APPROVAL- Each public transportation agency referred to in paragraph (1) shall submit its employee training program to the Secretary for review and approval or amendment.

(3) IMPLEMENTATION- Not later than one year after the date on which the Secretary approves an employee training program of a public transportation agency under paragraph (2), the agency shall complete employee training in accordance with such program with respect to the employees of the agency identified in the agency's public transportation security assessment. Other public transportation agency employees may also be trained under the agency's employee training program.

(c) Reporting- As part of the Secretary's report to Congress under section 107, the Secretary shall include an analysis of the extent to which public transportation agencies are successfully carrying out the employee training programs described in this section.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) Capital Security Assistance Program- Subject to subsection (d), there is authorized to be appropriated such sums as may be necessary to carry out section 105(a) for each of fiscal years 2008 through 2010.

(b) Operational Security Assistance Program- Subject to subsection (d),

there is authorized to be appropriated such sums as may be necessary to carry out section 105(b) for each of fiscal years 2008 through 2010.

(c) Information Sharing and Analysis Center- There is authorized to be appropriated to carry out section 106(b) \$1,000,000 for each of fiscal years 2008 through 2010.

(d) Effect of Recommended Funding Levels- Amounts appropriated for a fiscal year to carry out a program authorized by section 105(a) or 105(b) may not exceed the recommended funding level for that program established by the Secretary for that fiscal year under section 104(c).

(e) Period of Availability- Sums appropriated pursuant to this section shall remain available until expended.

TITLE II--OVER-THE-ROAD BUS SECURITY ASSISTANCE

SEC. 201. EMERGENCY OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) In General- The Secretary of Transportation, acting through the Administrator of the Federal Motor Carrier Safety Administration, shall establish a program for making grants to private operators of over-the-road buses for system-wide security improvements to their operations, including--

- (1) constructing and modifying terminals, garages, facilities, or over-the-road buses to assure their security;
- (2) protecting or isolating the driver;
- (3) acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise, and information links with government agencies;
- (4) training employees in recognizing and responding to security threats, evacuation procedures, passenger screening procedures, and baggage inspection;
- (5) hiring and training security officers;
- (6) installing cameras and video surveillance equipment on over-the-

road buses and at terminals, garages, and over-the-road bus facilities;

(7) creating a program for employee identification or background investigation;

(8) establishing an emergency communications system linked to law enforcement and emergency personnel; and

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

(b) Federal Share- The Federal share of the cost for which any grant is made under this section shall be 80 percent.

(c) Grant Requirements- A grant under this section shall be subject to all the terms and conditions that a grant is subject to under section 3038(f) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393).

(d) Report on Industry Priorities-

(1) STUDY- The Administrator of the Federal Motor Carrier Safety Administration shall conduct a study of--

(A) the critical assets and systems of the nationwide over-the-road bus industry;

(B) security threats to the assets and systems;

(C) security weaknesses in the assets and systems; and

(D) redundant and backup systems required to ensure the continued operation of critical elements of the assets and systems in the event of an attack or other incident.

(2) CONSULTATION- In conducting the study, the Administrator shall consult with representatives of private over-the-road bus operators and the employees of such operators.

(3) REPORT- Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Secretary of Transportation

and the Secretary of Homeland Security a report, based on the results of the study, detailing the critical assets, threats, and weaknesses in the over-the-road bus industry. The Administrator shall update the report on an annual basis.

(e) Allocation of Grants- The Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall establish priorities for the allocation of grants under this section based on the report required by subsection (d)(3) and shall make grants under this section in accordance with those priorities.

SEC. 202. PLAN REQUIREMENT.

(a) In General- The Secretary of Transportation may not make a grant under section 201 to a private operator of over-the-road buses until the operator has first submitted to the Secretary an application containing--

(1) a plan for making security improvements described in section 201 and the Secretary has approved the plan; and

(2) such additional information as the Secretary may require to ensure accountability for the obligation and expenditure of amounts made available to the operator under the grant.

(b) Coordination- To the extent that an application for a grant submitted under this section proposes security improvements within a specific terminal owned and operated by an entity other than the applicant, the applicant shall demonstrate to the satisfaction of the Secretary that the applicant has coordinated the security improvements for the terminal with that entity.

(c) Consultation With DHS- In approving plans under subsection (a)(1), the Secretary may consult with the Secretary of Homeland Security.

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

In this title, the term 'over-the-road bus' means a bus characterized by an elevated passenger deck located over a baggage compartment.

SEC. 204. BUS SECURITY ASSESSMENT.

(a) In General- Not later than 90 days after the date of enactment of this

Act, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a preliminary report in accordance with the requirements of this section.

(b) Contents of Preliminary Report- The preliminary report shall include--

(1) an assessment of the over-the-road bus security grant program;

(2) an assessment of actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed;

(3) an assessment of whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses;

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

(5) an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver;

(6) an assessment of industry best practices to enhance security; and

(7) an assessment of the total costs of needed improvements to substantially improve the security of the Nation's over-the-road bus industry and a recommended funding level for carrying out this title based on that assessment for each of fiscal years 2008 through 2010.

(c) Consultation With Industry, Labor, and Other Groups- In carrying out this section, the Secretary shall consult with over-the-road bus management and labor representatives, public safety and law enforcement officials, and the National Academy of Sciences.

SEC. 205. FUNDING.

(a) In General- Subject to subsection (b), there is authorized to be appropriated to the Secretary of Transportation such sums as may be

necessary to carry out this title for each of fiscal years 2008 through 2010.

(b) Effect of Recommended Funding Levels- Amounts appropriated for a fiscal year to carry out this title may not exceed the recommended funding level established by the Secretary for that fiscal year under section 204(b) (7) .

(c) Period of Availability- Amounts appropriated pursuant to this section shall remain available until expended.

TITLE III--RAIL SECURITY

SEC. 301. RAILROAD TRANSPORTATION SECURITY PLAN.

(a) Requirement-

(1) IN GENERAL- The Secretary of Transportation, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, shall develop a plan for the security of the Nation's railroads. The plan shall include--

(A) identification and evaluation of critical railroad assets and infrastructures;

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

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad;

(D) identification of redundant and backup systems required to ensure the continued operation of critical elements of the railroad system in the event of an attack or other incident, including disruption of commercial electric power or communications networks;

(E) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the plan;

(F) a plan for the Federal Government to provide increased security support at high or severe threat levels of alert, developed in consultation with the freight and intercity passenger railroads and State and local governments;

(G) procedures for establishing and maintaining permanent and comprehensive consultative relations among the parties described in subsection (b); and

(H) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate--

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS- The plan shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS- The Secretary of Transportation shall develop and implement prioritized recommendations for improving railroad security, including recommendations for--

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant railroad-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of railroad service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any

appropriate countermeasures;

(C) installing redundant and backup systems to ensure the continued operation of critical elements of the railroad system in the event of an attack or other incident, including disruption of commercial electric power or communications networks;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(b) Consultation- In developing the plan under subsection (a), the Secretary of Transportation shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, State Departments of Transportation, public safety officials (including those within agencies and offices of the Department of Homeland Security), and other relevant parties.

(c) Report-

(1) CONTENTS- Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan and prioritized recommendations required by subsection (a), along with recommended funding levels for each of fiscal years 2008 through 2010 for carrying out the implementation plan and such recommendations.

(2) FORMAT- The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) Authorization of Appropriations- There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for fiscal years 2008 through 2010 for the purpose of carrying out this section. Amounts appropriated for a fiscal year to carry out this section may not exceed the recommended funding level for such fiscal year established by

the Secretary under subsection (c)(1). Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 302. SILENCE MEANS SECURITY.

(a) Definitions- For the purposes of this section--

(1) the term `cargo information' means information regarding--

(A) the contents of a rail car or container containing hazardous material, except for information contained on a placard placed on a rail car;

(B) the routes of such hazardous material, including ports of embarkation and disembarkation and locations of acceptance and delivery by shippers; or

(C) security threats or incidents occurring en route;

(2) the term `covered individual' means an employee of--

(A) a rail carrier;

(B) a rail shipper; or

(C) a railroad contractor or railroad labor organization; and

(3) the term `security vulnerability' means the existence of a condition, practice, or procedure which may constitute a threat to national or homeland security.

(b) Prohibition- Except as provided in subsection (c), no covered individual shall reveal a security vulnerability, cargo information, security plan, or security training program to any other person.

(c) Reporting of a Security Vulnerability or Cargo Information- A covered individual may lawfully reveal or report a security vulnerability, cargo information, security plan, or security training program to--

(1) an employee of a railroad, or an agent acting on behalf of a railroad;

(2) a railroad police officer or any other Federal, State, or local law enforcement or public safety official;

(3) a representative of the covered individual's labor organization;

(4) a representative of a railroad industry organization, including the Association of American Railroads, the American Public Transportation Association, the American Short Line and Regional Railroad Association, and the Railway Supply Institute;

(5) a representative of the Department of Transportation or Department of Homeland Security, or any agency thereof; or

(6) a rail shipper, consignee, rail equipment owner, lessor or lessee, or person handling or processing cargo information on behalf of a railroad, shipper, or consignee.

(d) Civil Penalties- Any person who violates this section shall be subject to a civil penalty assessed by the Secretary of Transportation in an amount not to exceed \$5,000 per violation.

SEC. 303. MISCELLANEOUS TECHNICAL AND CONFORMING PROVISIONS.

(a) Rail Police Officers- Section 28101 of title 49, United States Code, is amended by striking `the rail carrier' each place it appears and inserting `any rail carrier'.

(b) Review of Rail Regulations- Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve railroad security.

(c) Railroad Security- Section 20101 of title 49, United States Code, is amended by striking `safety' and inserting `safety, including security,'.

(d) Rail Safety Regulations- Section 20103(a) of title 49, United States Code, is amended by striking `safety' the first place it appears, and inserting `safety, including security,'.

(e) Certain Personnel Limitations Not To Apply- Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this title.

SEC. 304. DEFINITION.

For purposes of this title, the term `railroad' has the meaning given that term in section 20102 of title 49, United States Code.

END