

SEC. 15. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing pre-screened passenger lists for rail passengers travelling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers; and

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security.

SEC. 16. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) **STUDY.**—The Secretary of Homeland Security shall, in consultation with State and local government officials, conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings of the study conducted under subsection (a) and recommendations for reducing the impact of blocked crossings on emergency response.

SEC. 17. WHISTLEBLOWER PROTECTION PROGRAM.

(a) **IN GENERAL.**—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

“§ 20116. Whistleblower protection for rail security matters

“(a) **DISCRIMINATION AGAINST EMPLOYEE.**—No rail carrier engaged in interstate or for-

eign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

“(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a perceived threat to security; or

“(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security; or

“(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

“(b) **DISPUTE RESOLUTION.**—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than \$20,000.

“(c) **PROCEDURAL REQUIREMENTS.**—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

“(d) **ELECTION OF REMEDIES.**—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

“(e) **DISCLOSURE OF IDENTITY.**—

“(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

“(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.”.

(b) **CONFORMING AMENDMENT.**—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

“20116. Whistleblower protection for rail security matters.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 192—AFFIRMING THAT THE FIRST AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES GUARANTEES BY THE FREEDOM OF THE PRESS AND ASSERTING THAT NO PURPOSE IS SERVED BY SENSITIZING JOURNALISTS JUDITH MILLER AND MATTHEW COOPER, NOR ANY SIMILARLY SITUATED JOURNALISTS, TO PRISON FOR MAINTAINING THE ANONYMITY OF CONFIDENTIAL SOURCES

Mr. LAUTENBERG (for himself, Mr. LUGAR, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas the First Amendment of the Constitution of the United States guarantees the freedom of the press;

Whereas it is essential to the democracy of the United States that journalists may report important information to the public without fear of intimidation or imprisonment;

Whereas a majority of the States and the District of Columbia have enacted media shield laws to protect the right of journalists to maintain the anonymity of confidential sources;

Whereas Robert Novak, the columnist first to publish the identity of a covert Central Intelligence Agency officer by name, stated that the Government should not imprison journalists for maintaining the anonymity of confidential sources;

Whereas a United States district court judge may soon sentence Matthew Cooper, the White House correspondent for Time Magazine, and Judith Miller, a journalist for the New York Times, to prison for contempt for refusing to disclose confidential sources;

Whereas that United States district court judge will hold a hearing to consider arguments against imprisonment of those journalists; and

Whereas it is the responsibility of the United States Senate to make its views known in areas of national and legal importance: Now, therefore, be it

Resolved, That the Senate—

(1) affirms that the First Amendment of the Constitution of the United States guarantees the freedom of the press; and

(2) proclaims that no purpose is served by imprisoning journalists Judith Miller and Matthew Cooper.

SENATE RESOLUTION 193—EX-PRESSING SYMPATHY FOR THE PEOPLE OF THE UNITED KINGDOM IN THE AFTERMATH OF THE DEADLY TERRORIST ATTACKS ON LONDON ON JULY 7, 2005

Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr.

DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Whereas the United States and a broad international coalition have been engaged in a Global War on Terrorism since the terrorist attacks in Washington, D.C., New York, and Pennsylvania that occurred on September 11, 2001;

Whereas the people and Governments of the United States and the United Kingdom enjoy a deep and enduring friendship undergirded by shared history, language, and values;

Whereas the United Kingdom has been a strong and steadfast ally to the United States through two World Wars, the Cold War, the Gulf War, and the Global War on Terrorism, including the wars in Afghanistan and Iraq;

Whereas terrorists have planned and conducted attacks around the world during the four years after the Global War on Terrorism began in 2001, most notably the bombing of a night club on the Indonesian island of Bali on October 12, 2002 that killed 202 people and injured an additional 209, the bombings of two synagogues and the British Embassy in Istanbul, Turkey in November 2003, in which 56 people were killed and over 450 injured, and the bombing of the train system in Madrid, Spain on March 11, 2004 that killed more than 190 people and injured approximately 1,500;

Whereas on July 7, 2005, a series of four explosions struck the London public transportation system during the morning rush hour, killing at least 49 innocent civilians and injuring approximately 700 others;

Whereas a previously unknown terrorist group claimed responsibility for the attacks in the name of al Qaeda;

Whereas the terrorist attacks in London coincided with the opening of the G-8 Summit in Gleneagles, Scotland, a Summit committed to bringing help and hope to the poorest countries of the world;

Whereas President Bush immediately condemned the terrorist attacks and extended the "heartfelt condolences" of the people of the United States to the people of the United Kingdom;

Whereas Prime Minister Tony Blair vowed, on behalf of the United Kingdom and the world leaders attending the G-8 Summit in Gleneagles, Scotland, to remain steadfast and strong in the fight against terrorism, stating, "All of our countries have suffered from the impact of terrorism. Those respon-

sible have no respect for human life. We are united in our resolve to confront and defeat this terrorism that is not an attack on one nation, but all nations and on civilized people everywhere. . . . It's important . . . that those engaged in terrorism realize that our determination to defend our values and our way of life is greater than their determination to cause death and destruction to innocent people in a desire to impose extremism on the world", and declared, "We shall prevail, and [the terrorists] shall not";

Whereas the North Atlantic Council, the governing body of the North Atlantic Treaty Organization, after meeting in an extraordinary session, reaffirmed the determination of the members of the North Atlantic Treaty Organization to combat the scourge of terrorism and defend the values of freedom, tolerance, and democracy using all available means;

Whereas world leaders attending the G-8 Summit in Gleneagles, Scotland expressed condolences to the people of the United Kingdom and issued a joint statement to "condemn utterly these barbaric attacks"; and

Whereas Prime Minister Tony Blair, speaking on behalf of the world leaders attending the G-8 Summit in Gleneagles, Scotland, declared, "We are united in the resolve" to defeat terrorism, which is "not an attack on one nation, but on all nations": Now, therefore, be it

Resolved, That the Senate—

(1) expresses deepest sympathies and condolences to the people of the United Kingdom and the victims and their families for the heinous terrorist attacks that occurred in London on July 7, 2005;

(2) condemns these barbaric and unwarranted attacks on the innocent people of London;

(3) expresses strong and continued solidarity with the people of the United Kingdom and pledges to remain shoulder-to-shoulder with the people of the United Kingdom to bring the terrorists responsible for these brutal attacks to justice; and

(4) calls upon the international community to renew and strengthen efforts to—

(A) defeat terrorists by dismantling terrorist networks and exposing the violent and nihilistic ideology of terrorism;

(B) increase international cooperation to advance personal and religious freedoms, ethnic and racial tolerance, political liberty and pluralism, and economic prosperity; and

(C) combat the social injustice, oppression, poverty, and extremism that breeds terrorism.

SENATE RESOLUTION 194—RELATIVE TO THE DEATH OF GAYLORD A. NELSON, FORMER UNITED STATES SENATOR FOR THE STATE OF WISCONSIN

Mr. FRIST (for himself, Mr. REID, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. GRAHAM, Mr.

GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

Whereas Gaylord A. Nelson served in the United States Army from 1942-1946;

Whereas Gaylord A. Nelson served as Governor of the State of Wisconsin from 1959-1963;

Whereas Gaylord A. Nelson served the people of Wisconsin with distinction for 18 years in the United States Senate;

Whereas Gaylord A. Nelson served the Senate as Chairman of the Select Committee on Small Business from the Ninety-Third through the Ninety-Sixth Congresses and as Chairman of the Special Committee on Official Conduct in the Ninety-Fifth Congress;

Whereas Gaylord A. Nelson received the Presidential Medal of Freedom in 1995;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Gaylord A. Nelson, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Gaylord A. Nelson.

SENATE RESOLUTION 195—RECOGNIZING THE SPIRIT OF JACOB MOCK DOUB AND HIS CONTRIBUTION TO ENCOURAGING YOUTH TO BE PHYSICALLY ACTIVE AND FIT, AND EXPRESSING SUPPORT FOR "NATIONAL TAKE A KID MOUNTAIN BIKING DAY"

Mr. BURR (for himself and Mr. SALAZAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 195

Whereas according to the Centers for Disease Control and Prevention, obesity rates have nearly tripled in adolescents in the United States since 1980;

Whereas overweight adolescents have a 70 percent chance of becoming overweight or obese adults;

Whereas research conducted by the National Institutes of Health indicates that, while genetics do play a role in childhood obesity, the large increase in childhood obesity rates over the past few decades can be traced to overeating and lack of sufficient exercise;

Whereas the Surgeon General and the President's Council on Physical Fitness and