



**One Hundred Eleventh Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515**

October 9, 2009

The Honorable David R. Obey, Chairman
The Honorable Jerry Lewis, Ranking Member
Committee on Appropriations
United States House of Representatives
Room H-218, The Capitol
Washington, D.C. 20515

The Honorable John W. Olver, Chairman
The Honorable Tom Latham, Ranking Member
Subcommittee on Transportation, Housing, and Urban Development
Committee on Appropriations
United States House of Representatives
Room 2358-A Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Obey, Ranking Member Lewis, Chairman Olver, and Ranking Member Latham:

As Chairman and Ranking Member of the Committee on Homeland Security, we have been working to improve the security of our Nation's passenger rail system. That is why we are writing to express our opposition to section 157 of H.R. 3288, the Transportation, Housing, and Urban Development Appropriations (T-HUD) Act, as approved by the Senate, which undermines rail security by requiring Amtrak to allow passengers to transport firearms on trains.

Deadly terrorist bombings of commuter trains in Madrid in 2004 and the "commando-style" terrorist attack on a major rail station last November in Mumbai have emphasized the importance of passenger rail security in large urban areas. These tragedies also demonstrated that securing a rail environment presents unique obstacles and vulnerabilities not traditionally associated with other modes of transportation. Earlier this year, we brought H.R. 2200 to the House floor to enhance the rail security activities of the Transportation Security Administration. The House overwhelmingly approved this legislation.

We are, therefore, deeply troubled that the Senate approved an amendment that endangers rail security by forcing Amtrak – under threat of losing its Federal funding¹ – to allow the transportation of firearms on passenger trains as "checked baggage."

¹ § 157 of H.R. 3288 (Engrossed Amendment as Agreed to by the Senate): "(a) FUNDING LIMITATION.—Notwithstanding any other provision of law, **beginning on the date** of enactment of this Act, amounts made available in this Act for the

Amtrak permitted firearms in checked baggage at one time; weapons had to be separately secured in baggage or containers. However, following the terrorist attacks on September 11, 2001, Amtrak began to restrict the carriage of weapons on its trains. In an effort to further enhance the security of its passengers and employees, Amtrak subsequently reviewed and re-evaluated numerous security measures in response to the March 11, 2004, bombings of passenger trains in Madrid. The November 2008 terrorist attacks in Mumbai included “commando-style” raids of railway stations, revealing a significant, firearm-specific threat. Accordingly, Amtrak again endeavored to adapt its security measures to this emerging threat.

Against this deadly backdrop and faced with unique security vulnerabilities, Amtrak has implemented a total weapons prohibition, including firearms. Currently, only sworn law enforcement personnel of the Amtrak Police Department, Office of Security Strategy and Special Operations, and Federal, State, and local police officers on official business are permitted to carry firearms on Amtrak trains. To reverse this policy by legislative fiat – in the absence of full Congressional examination – would abruptly dismantle nearly a decade of conscientious efforts by Amtrak to respond to developing terrorist threats and trends.

Moreover, the requirements in section 157 reflect a lack of understanding of the characteristics and security concerns unique to passenger rail systems in general, and Amtrak in particular. Unlike the airline industry, Amtrak largely lacks the capacity to “check” baggage; currently, only 30 percent of Amtrak stations can carry out this function. Checked baggage is available primarily on Amtrak’s long distance trains and is not readily available on the more heavily traveled Northeast Corridor and California route service systems where the vast majority of Amtrak’s 28 million passengers travel. The minimal impact on overall ridership and significant benefits to safety and security make supporting a weapons ban on Amtrak trains a practical and risk-based approach to securing these systems.

Even in cases where checked baggage is available, it is usually transported in separate, non-passenger cars, which are typically decades old and designed without security in mind. As such, “checked” baggage is significantly easier to access in transit or at individual stations than the secured baggage compartments of passenger aircraft. Moreover, because Amtrak trains stop frequently, and because checked luggage is often unloaded and presented to passengers immediately on the platform rather than in a remote, secure baggage retrieval area, the number of opportunities in, and relative ease with, which individuals can access checked luggage would present an unacceptable security vulnerability if firearms were permitted on these trains.

In addition to significantly weakening passenger and employee security, section 157 would waste precious Federal resources used by Amtrak to carry out basic operations and important security functions. In particular, we are concerned that security grants awarded by the Department of Homeland Security will be diverted to aid Amtrak’s efforts to satisfy the firearm requirement rather than to fund approved security projects that have already been identified by Amtrak and the Department as security priorities. It would jeopardize security and be fiscally irresponsible to enact the rushed and arbitrary six-month window for compliance specified by section 157, at the expense of security projects and programs that have been thoroughly vetted.

National Railroad Passenger Corporation (Amtrak) shall immediately cease to be available if after March 31, 2010, Amtrak prohibits the secure transportation of firearms on passenger trains. . . .”

We believe that section 157 is in direct opposition to critical security efforts by Amtrak and the Federal government that are in place to protect Amtrak's passengers and employees. Therefore, we urge you to oppose the inclusion of this section in the final T-HUD appropriations package.

As always, we stand ready to work with you to ensure that our Nation's transportation systems are safe and secure. Thank you for your time and prompt consideration of our concerns.

Sincerely,



BENNIE G. THOMPSON
Chairman



PETER T. KING
Ranking Member

cc: The Honorable Daniel K. Inouye, Chairman
The Honorable Thad Cochran, Ranking Member
Committee on Appropriations
United States Senate

The Honorable Patty Murray, Chairman
The Honorable Christopher Bond, Ranking Member
Subcommittee on Transportation, Housing and Urban Development
Committee on Appropriations
United States Senate