

111TH CONGRESS  
1ST SESSION

# H. R. 2200

To authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Ms. JACKSON-LEE of Texas (for herself, Mr. DENT, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Transportation Security Administration Authorization  
6 Act”.

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Authorization of appropriations.
- Sec. 102. Risk-based system for allocation of resources.
- Sec. 103. Ensuring contracting with small business concerns and disadvantaged business concerns.

## TITLE II—AVIATION SECURITY

### Subtitle A—Amendments to Chapter 449

- Sec. 201. Elimination of alternate baggage security screening.
- Sec. 202. Prohibition of advance notice of covert testing to security screeners.
- Sec. 203. Secure verification system for law enforcement officers.
- Sec. 204. Ombudsman for Federal Air Marshal Service.
- Sec. 205. Foreign repair stations.
- Sec. 206. Assistant Secretary defined.
- Sec. 207. TSA and homeland security information sharing.
- Sec. 208. Aviation security stakeholder participation.
- Sec. 209. General aviation security.

### Subtitle B—Other Matters

- Sec. 221. Security risk assessment of airport perimeter access controls.
- Sec. 222. Advanced passenger prescreening system.
- Sec. 223. Biometric identifier airport access enhancement demonstration program.
- Sec. 224. Transportation security training programs.
- Sec. 225. Deployment of technology approved by science and technology directorate.
- Sec. 226. In-line baggage screening study.
- Sec. 227. GAO report on certain contracts and use of funds.
- Sec. 228. IG report on certain policies for Federal air marshals.

## TITLE III—SURFACE TRANSPORTATION SECURITY

- Sec. 301. Surface transportation security inspection program.
- Sec. 302. Strengthening visible intermodal prevention and response teams.
- Sec. 303. Surface transportation security stakeholder participation.
- Sec. 304. Human capital plan for surface transportation security personnel.
- Sec. 305. Surface transportation security training.
- Sec. 306. Security assistance IG Report.
- Sec. 307. International lessons learned for securing passenger rail and public transportation systems.
- Sec. 308. Underwater tunnel security demonstration project.
- Sec. 309. Passenger rail security demonstration project.
- Sec. 310. Report and recommendation for uniform security background checks.
- Sec. 311. Explosives detection canine teams.
- Sec. 312. Animal-propelled vessels.

### 1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

- 3 (1) **ASSISTANT SECRETARY.**—The term “Assistant  
4 ant Secretary” means Assistant Secretary of Home-

1 land Security (Transportation Security Administra-  
2 tion).

3 (2) AVIATION SECURITY ADVISORY COM-  
4 MITTEE.—The term “Aviation Security Advisory  
5 Committee” means the advisory committee estab-  
6 lished by section 44946 of title 49, United States  
7 Code, as added by this Act.

8 (3) SECRETARY.—The term “Secretary” means  
9 the Secretary of Homeland Security.

## 10 **TITLE I—AUTHORIZATION OF** 11 **APPROPRIATIONS**

### 12 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to the Sec-  
14 retary such sums as may be necessary for the necessary  
15 expenses of the Transportation Security Administration  
16 for fiscal years 2010 and 2011.

### 17 **SEC. 102. RISK-BASED SYSTEM FOR ALLOCATION OF RE-** 18 **SOURCES.**

19 (a) REPORT.—Not later than 180 days after the date  
20 of enactment of this Act, the Secretary, acting through  
21 the Assistant Secretary, shall submit to the appropriate  
22 congressional committees, including the Committee on  
23 Homeland Security of the House of Representatives, a re-  
24 port on the status of its implementation of recommenda-  
25 tions from the Comptroller General with respect to the use

1 by the Transportation Security Administration of a risk-  
2 based system for allocating security resources effectively.

3 (b) ASSESSMENTS.—The report shall include assess-  
4 ments of the Transportation Security Administration’s  
5 progress in—

6 (1) adopting security goals that define specific  
7 outcomes, conditions, end points, and performance  
8 targets;

9 (2) conducting comprehensive risk assessments  
10 for the transportation sector that meet the criteria  
11 established under Homeland Security Presidential  
12 Directive-7 in effect as of January 1, 2009, and  
13 combine individual assessments of threat, vulner-  
14 ability, and consequence;

15 (3) analyzing the assessments described in  
16 paragraph (2) to produce a comparative analysis of  
17 risk across the entire transportation sector to guide  
18 current and future investment decisions;

19 (4) establishing an approach for gathering data  
20 on investments by State, local, and private sector se-  
21 curity partners in transportation security;

22 (5) establishing a plan and corresponding  
23 benchmarks for conducting risk assessments for the  
24 transportation sector that identify the scope of the

1 assessments and resource requirements for com-  
2 pleting them;

3 (6) working with the Department of Homeland  
4 Security to effectuate the Administration's risk man-  
5 agement approach by establishing a plan and time-  
6 frame for assessing the appropriateness of the Ad-  
7 ministration's intelligence-driven risk management  
8 approach for managing risk at the Administration  
9 and documenting the results of this review once  
10 completed;

11 (7) determining the best approach for assigning  
12 uncertainty or confidence levels to analytic intel-  
13 ligence products related to the Transportation Secu-  
14 rity Administration's security mission and applying  
15 this approach; and

16 (8) establishing internal controls, including—

17 (A) a focal point and clearly defined roles  
18 and responsibilities for ensuring that the Ad-  
19 ministration's risk management framework is  
20 implemented;

21 (B) policies, procedures, and guidance that  
22 require the implementation of the Administra-  
23 tion's framework and completion of related  
24 work activities; and

1 (C) a system to monitor and improve how  
2 effectively the framework is being implemented.

3 **SEC. 103. ENSURING CONTRACTING WITH SMALL BUSINESS**

4 **CONCERNS AND DISADVANTAGED BUSINESS**

5 **CONCERNS.**

6 (a) REQUIREMENTS FOR PRIME CONTRACTS.—The  
7 Secretary, acting through the Assistant Secretary, shall  
8 include in each contract awarded for procurement of goods  
9 or services acquired for the Transportation Security Ad-  
10 ministration—

11 (1) a requirement that the contractor shall im-  
12 plement a plan for the award, in accordance with  
13 other applicable requirements, of subcontracts under  
14 the contract to small business concerns, including  
15 small business concerns owned and controlled by so-  
16 cially and economically disadvantaged individuals,  
17 small business concerns owned and controlled by  
18 women, small business concerns owned and con-  
19 trolled by service-disabled veterans, HUBZone small  
20 business concerns, small business concerns partici-  
21 pating in the program under section 8(a) of the  
22 Small Business Act (15 U.S.C. 637(a)), institutions  
23 receiving assistance under title III or V of the High-  
24 er Education Act of 1965 (20 U.S.C. 1051 et seq.,  
25 1101 et seq.), and Alaska Native Corporations cre-

1       ated pursuant to the Alaska Native Claims Settle-  
2       ment Act (43 U.S.C. 1601 et seq.), including the  
3       terms of such plan; and

4               (2) a requirement that the contractor shall sub-  
5       mit to the Secretary, during performance of the con-  
6       tract, periodic reports describing the extent to which  
7       the contractor has complied with such plan, includ-  
8       ing specification (by total dollar amount and by per-  
9       centage of the total dollar value of the contract) of  
10      the value of subcontracts awarded at all tiers of sub-  
11      contracting to small business concerns, institutions,  
12      and corporations referred to in subsection (a)(1).

13      (b) UTILIZATION OF ALLIANCES.—The Secretary  
14      shall seek to facilitate award of contracts by the United  
15      States to alliances of small business concerns, institutions,  
16      and corporations referred to in subsection (a)(1).

17      (c) ANNUAL REPORT.—

18               (1) IN GENERAL.—The Secretary, acting  
19      through the Assistant Secretary, shall submit to the  
20      Committee on Homeland Security of the House of  
21      Representatives and the Committee on Commerce,  
22      Science, and Transportation of the Senate by Octo-  
23      ber 31 each year a report on the award of contracts  
24      to small business concerns, institutions, and corpora-

1 tions referred to in subsection (a)(1) during the pre-  
2 ceding fiscal year.

3 (2) CONTENTS.—The Secretary, acting through  
4 the Assistant Secretary, shall include in each re-  
5 port—

6 (A) specification of the value of such con-  
7 tracts, by dollar amount and as a percentage of  
8 the total dollar value of all contracts awarded  
9 by the United States in such fiscal year;

10 (B) specification of the total dollar value of  
11 such contracts awarded to each of the cat-  
12 egories of small business concerns, institutions,  
13 and corporations referred to in subsection  
14 (a)(1); and

15 (C) if the percentage specified under sub-  
16 paragraph (A) is less than 25 percent, an expla-  
17 nation of—

18 (i) why the percentage is less than 25  
19 percent; and

20 (ii) what will be done to ensure that  
21 the percentage for the following fiscal year  
22 will not be less than 25 percent.



1     **TITLE II—AVIATION SECURITY**  
2             **Subtitle A—Amendments to**  
3                     **Chapter 449**

4     **SEC. 201. ELIMINATION OF ALTERNATE BAGGAGE SECUR-**  
5                     **RITY SCREENING.**

6             Section 44901(e)(1) of title 49, United States Code,  
7 is amended to read as follows:

8                     “(1) A bag match program, ensuring that no  
9 checked baggage is placed aboard an aircraft unless  
10 the passenger who checked the baggage is aboard  
11 the aircraft, is not authorized as an alternate meth-  
12 od of baggage screening where explosive detection  
13 equipment is available unless there are exigent cir-  
14 cumstances as determined by the Secretary acting  
15 through the Assistant Secretary. The Assistant Sec-  
16 retary shall report to the Committee on Homeland  
17 Security of the House of Representatives within 90  
18 days of the determination that bag match must be  
19 used as an alternate method of baggage screening.”.

20     **SEC. 202. PROHIBITION OF ADVANCE NOTICE OF COVERT**  
21                     **TESTING TO SECURITY SCREENERS.**

22             Section 44935 of title 49, United States Code, is  
23 amended by adding at the end the following:

1       “(j) PROHIBITION OF ADVANCE NOTICE TO SECUR-  
2 RITY SCREENERS OF COVERT TESTING AND EVALUA-  
3 TION.—

4           “(1) IN GENERAL.—The Secretary, acting  
5 through the Assistant Secretary, shall ensure that  
6 information concerning a covert test of a transpor-  
7 tation security system to be conducted by a covert  
8 testing office, the Inspector General of the Depart-  
9 ment of Homeland Security, or the Government Ac-  
10 countability Office is not provided to any individual  
11 prior to the completion of the test.

12           “(2) EXCEPTIONS.—Notwithstanding para-  
13 graph (1)—

14           “(A) an individual may provide informa-  
15 tion concerning a covert test of a transportation  
16 security system to—

17           “(i) employees, officers, and contrac-  
18 tors of the Federal Government (including  
19 military personnel);

20           “(ii) employees and officers of State  
21 and local governments; and

22           “(iii) law enforcement officials who  
23 are authorized to receive or directed to be  
24 provided such information by the Assistant  
25 Secretary, the Inspector General of the De-

1           partment of Homeland Security, or the  
2           Comptroller General, as the case may be;  
3           and

4           “(B) for the purpose of ensuring the secu-  
5           rity of any individual in the vicinity of a site  
6           where a covert test of a transportation security  
7           system is being conducted, an individual con-  
8           ducting the test may disclose his or her status  
9           as an individual conducting the test to any ap-  
10          propriate individual if a security screener or  
11          other individual who is not a covered employee  
12          identifies the individual conducting the test as  
13          a potential threat.

14          “(3) SPECIAL RULES FOR TSA.—

15                 “(A) MONITORING AND SECURITY OF  
16                 TESTING PERSONNEL.—The head of each covert  
17                 testing office shall ensure that a person or  
18                 group of persons conducting a covert test of a  
19                 transportation security system for the covert  
20                 testing office is accompanied at the site of the  
21                 test by a cover team comprised of one or more  
22                 employees of the covert testing office for the  
23                 purpose of monitoring the test and confirming  
24                 the identity of personnel involved in the test  
25                 under subparagraph (B).

1           “(B) RESPONSIBILITY OF COVER TEAM.—

2           Under this paragraph, a cover team for a covert  
3           test of a transportation security system shall—

4                   “(i) monitor the test; and

5                   “(ii) for the purpose of ensuring the  
6           security of any individual in the vicinity of  
7           a site where the test is being conducted,  
8           confirm, notwithstanding paragraph (1),  
9           the identity of any individual conducting  
10          the test to any appropriate individual if a  
11          security screener or other individual who is  
12          not a covered employee identifies the indi-  
13          vidual conducting the test as a potential  
14          threat.

15          “(C) AVIATION SCREENING.—Notwith-  
16          standing subparagraph (A), the Transportation  
17          Security Administration is not required to have  
18          a cover team present during a test of the  
19          screening of persons, carry-on items, or checked  
20          baggage at an aviation security checkpoint at or  
21          serving an airport if the test—

22                   “(i) is approved by the Federal Secu-  
23          rity Director for such airport; and

1           “(ii) is carried out under an aviation  
2           screening assessment program of the De-  
3           partment of Homeland Security.

4           “(D) USE OF OTHER PERSONNEL.—The  
5           Transportation Security Administration may  
6           use employees, officers, and contractors of the  
7           Federal Government (including military per-  
8           sonnel) and employees and officers of State and  
9           local governments to conduct covert tests.

10          “(4) DEFINITIONS.—In this subsection, the fol-  
11         lowing definitions apply:

12           “(A) APPROPRIATE INDIVIDUAL.—The  
13           term ‘appropriate individual’, as used with re-  
14           spect to a covert test of a transportation secu-  
15           rity system, means any individual that—

16           “(i) the individual conducting the test  
17           determines needs to know his or her status  
18           as an individual conducting a test under  
19           paragraph (2)(B); or

20           “(ii) the cover team monitoring the  
21           test under paragraph (3)(B)(i) determines  
22           needs to know the identity of an individual  
23           conducting the test.

24           “(B) COVERED EMPLOYEE.—The term  
25           ‘covered employee’ means any individual who

1 receives notice of a covert test before the com-  
2 pletion of a test under paragraph (2)(A).

3 “(C) COVERT TEST.—

4 “(i) IN GENERAL.—The term ‘covert  
5 test’ means an exercise or activity con-  
6 ducted by a covert testing office, the In-  
7 spector General of the Department of  
8 Homeland Security, or the Government Ac-  
9 countability Office to intentionally test,  
10 compromise, or circumvent transportation  
11 security systems to identify vulnerabilities  
12 in such systems.

13 “(ii) LIMITATION.—Notwithstanding  
14 clause (i), the term ‘covert test’ does not  
15 mean an exercise or activity by an em-  
16 ployee or contractor of the Transportation  
17 Security Administration to test or assess  
18 compliance with regulations under title 49,  
19 Code of Federal Regulations.

20 “(D) COVERT TESTING OFFICE.—The term  
21 ‘covert testing office’ means any office of the  
22 Transportation Security Administration des-  
23 igned by the Assistant Secretary to conduct  
24 covert tests of transportation security systems.

1           “(E) EMPLOYEE OF A COVERT TESTING  
2 OFFICE.—The term ‘employee of a covert test-  
3 ing office’ means an individual who is an em-  
4 ployee of a covert testing office or a contractor  
5 or an employee of a contractor of a covert test-  
6 ing office.”.

7 **SEC. 203. SECURE VERIFICATION SYSTEM FOR LAW EN-**  
8 **FORCEMENT OFFICERS.**

9           Section 44917 of title 49, United States Code, is  
10 amended by adding at the end the following:

11           “(e) SECURE VERIFICATION SYSTEM FOR LAW EN-  
12 FORCEMENT OFFICERS.—

13           “(1) IN GENERAL.—The Secretary, acting  
14 through the Assistant Secretary, shall develop a plan  
15 for a system to securely verify the identity and sta-  
16 tus of law enforcement officers flying while armed.  
17 The Assistant Secretary shall ensure that the system  
18 developed includes a biometric component.

19           “(2) DEMONSTRATION.—The Secretary, acting  
20 through the Assistant Secretary, shall conduct a  
21 demonstration program to test the secure  
22 verification system described in paragraph (1) before  
23 issuing regulations for deployment of the system.

24           “(3) CONSULTATION.—The Assistant Secretary  
25 shall consult with the Aviation Security Advisory

1 Committee, established under section 44946 of title  
2 49, United States Code, when developing the system  
3 and established under section 44946 of title 49,  
4 United States Code, evaluating the demonstration  
5 program.

6 “(4) REPORT.—The Assistant Secretary shall  
7 submit a report to the Committee on Homeland Se-  
8 curity of the House of Representatives, evaluating  
9 the demonstration program of the secure verification  
10 system required by this section.

11 “(5) AUTHORIZATIONS OF APPROPRIATIONS.—  
12 From the amounts authorized under section 101 of  
13 the Transportation Security Administration Author-  
14 ization Act, there is authorized to be appropriated to  
15 carry out this subsection \$10,000,000, to remain  
16 available until expended.”.

17 **SEC. 204. OMBUDSMAN FOR FEDERAL AIR MARSHAL SERV-**  
18 **ICE.**

19 Section 44917 of title 49, United States Code, is fur-  
20 ther amended by adding at the end the following:

21 “(f) OMBUDSMAN.—

22 “(1) ESTABLISHMENT.—The Secretary, acting  
23 through the Assistant Secretary, shall establish in  
24 the Federal Air Marshal Service an Office of the  
25 Ombudsman.



1           “(2) APPOINTMENT.—The head of the Office  
2 shall be the Ombudsman, who shall be appointed by  
3 the Assistant Secretary.

4           “(3) DUTIES.—The Ombudsman shall carry out  
5 programs and activities to improve morale, training,  
6 and quality of life issues in the Service, including  
7 through implementation of the recommendations of  
8 the Comptroller General.”.

9 **SEC. 205. FOREIGN REPAIR STATIONS.**

10         Section 44924(f) of title 49, United States Code, is  
11 amended to read as follows:

12         “(f) REGULATIONS.—Not later than 6 months after  
13 the date of enactment of the Transportation Security Ad-  
14 ministration Authorization Act, the Secretary, acting  
15 through the Assistant Secretary, shall issue regulations es-  
16 tablishing security standards for foreign repair stations  
17 performing maintenance for aircraft used to provide air  
18 transportation.”.

19 **SEC. 206. ASSISTANT SECRETARY DEFINED.**

20         (a) IN GENERAL.—Subchapter II of chapter 449 of  
21 title 49, United States Code, is amended by inserting be-  
22 fore section 44933 the following:

23 **“§ 44931. Assistant Secretary defined**

24         “In this chapter—

1           “(1) the term ‘Assistant Secretary’ means the  
2 Assistant Secretary of Homeland Security (Trans-  
3 portation Security Administration); and

4           “(2) any reference to the Administrator of the  
5 Transportation Security Administration, the Under  
6 Secretary of Transportation for Security, the Under  
7 Secretary of Transportation for Transportation Se-  
8 curity, or the Under Secretary for Transportation  
9 Security shall be deemed to be a reference to the As-  
10 sistant Secretary.”.

11       (b) CLERICAL AMENDMENT.—The analysis for such  
12 subchapter is amended by inserting before the item relat-  
13 ing to section 44933 the following:

“Sec. 44931. Assistant Secretary defined.”.

14 **SEC. 207. TSA AND HOMELAND SECURITY INFORMATION**  
15 **SHARING.**

16       (a) FEDERAL SECURITY DIRECTOR.—Section 44933  
17 of title 49, United States Code, is amended—

18           (1) by striking “Manager” each place it appears  
19 and inserting “Director”;

20           (2) by striking “Managers” each place it ap-  
21 pears and inserting “Directors”; and

22           (3) by adding at the end the following:

23       “(c) INFORMATION SHARING.—Not later than one  
24 year after the date of enactment of the Transportation Se-  
25 curity Administration Authorization Act, the Secretary of

1 Homeland Security, acting through the Assistant Sec-  
2 retary, shall—

3           “(1) require an airport security plan to have  
4 clear reporting procedures to ensure the Federal Se-  
5 curity Director of the airport is immediately notified  
6 whenever any Federal, State, or local law enforce-  
7 ment personnel are called to an aircraft at a gate or  
8 on an airfield at the airport;

9           “(2) require each Federal Security Director of  
10 an airport to meet at least quarterly with law en-  
11 forcement agencies serving the airport to discuss in-  
12 cident management protocols; and

13           “(3) require each Federal Security Director at  
14 an airport to inform, consult, and coordinate, as ap-  
15 propriate, with the airport operator in a timely man-  
16 ner on security matters impacting airport oper-  
17 ations.”.

18 (b) CONFORMING AMENDMENTS.—

19           (1) Section 114(f)(6) of title 49, United States  
20 Code, is amended by striking “Managers” and in-  
21 serting “Directors”.

22           (2) Section 44940(a)(1)(F) of title 49, United  
23 States Code, is amended by striking “Managers”  
24 and inserting “Directors”.

1 (c) TECHNICAL AMENDMENT.—The chapter analysis  
2 for chapter 449 is amended by striking the item relating  
3 to section 44933 and inserting the following:

“44933. Federal Security Directors.”.

4 **SEC. 208. AVIATION SECURITY STAKEHOLDER PARTICIPA-**  
5 **TION.**

6 (a) IN GENERAL.—Subchapter II of chapter 449 of  
7 title 49, United States Code, is amended by adding at the  
8 end the following:

9 **“§ 44946. Aviation Security Advisory Committee**

10 “(a) ESTABLISHMENT OF AVIATION SECURITY ADVI-  
11 SORY COMMITTEE.—

12 “(1) IN GENERAL.—The Secretary of Homeland  
13 Security, acting through the Assistant Secretary,  
14 shall establish in the Transportation Security Ad-  
15 ministration an advisory committee, to be known as  
16 the ‘Aviation Security Advisory Committee’ (in this  
17 chapter referred to as the ‘Advisory Committee’), to  
18 assist the Secretary with issues pertaining to avia-  
19 tion security, including credentialing.

20 “(2) RECOMMENDATIONS.—The Secretary, act-  
21 ing through the Assistant Secretary, shall require  
22 the Advisory Committee to develop recommendations  
23 for improvements to civil aviation security methods,  
24 equipment, and processes.

1           “(3) MEETINGS.—The Assistant Secretary shall  
2           require the Advisory Committee to meet at least  
3           semi-annually and may convene additional meetings  
4           as necessary.

5           “(4) UNPAID POSITION.—Advisory Committee  
6           Members shall serve at their own expense and re-  
7           ceive no salary, reimbursement of travel expenses, or  
8           other compensation from the Federal Government.

9           “(b) MEMBERSHIP.—

10           “(1) IN GENERAL.—The Assistant Secretary  
11           shall ensure that the Advisory Committee is com-  
12           posed of not more than 27 members, including rep-  
13           resentatives from air carriers, all cargo air transpor-  
14           tation, indirect air carriers, labor organizations rep-  
15           resenting air carrier employees, aircraft manufactur-  
16           ers, airport operators, general aviation and the avia-  
17           tion technology security industry, including bio-  
18           metrics.

19           “(2) REPRESENTATIVES.—The representatives  
20           listed in paragraph (1) shall have at least one mem-  
21           ber on the Advisory Committee, but not more than  
22           a maximum of three members. Members shall be ap-  
23           pointed by the Assistant Secretary. The Assistant  
24           Secretary shall have the discretion to review the par-

1        participation of any Advisory Committee member and  
2        recommend changes for cause at any time.

3        “(c) NONAPPLICABILITY OF FACA.—The Federal  
4        Advisory Committee Act (5 U.S.C. App.) shall not apply  
5        to the Advisory Committee.

6        “(d) AIR CARGO SECURITY WORKING GROUP.—

7                “(1) IN GENERAL.—The Secretary, acting  
8        through the Assistant Secretary, shall establish with-  
9        in the Advisory Committee an air cargo security  
10       working group to provide recommendations for suc-  
11       cessful implementation of the cargo screening initia-  
12       tives proposed by the Transportation Security Ad-  
13       ministration to screen cargo on passenger aircraft in  
14       accordance with established cargo screening man-  
15       dates.

16               “(2) MEETINGS.—The working group shall  
17       meet at least semi-annually and provide annual re-  
18       ports to the Secretary with recommendations to im-  
19       prove the Administration’s cargo screening initia-  
20       tives established to meet all cargo screening man-  
21       dates set forth in the Implementing Recommenda-  
22       tions of the 9/11 Commission Act of 2007 (Public  
23       Law 110–53; 121 Stat. 266 et seq.).

24               “(3) MEMBERSHIP.—The working group shall  
25       be composed of members from the Advisory Com-

1 mittee with expertise in cargo operations or cargo  
2 screening. Members shall be appointed by the Assist-  
3 ant Secretary.

4 “(4) REPORTS.—

5 “(A) IN GENERAL.—The working group  
6 shall prepare and submit reports to the Sec-  
7 retary in accordance with this paragraph that  
8 provide cargo screening mandate implementa-  
9 tion recommendations.

10 “(B) SUBMISSION.—Not later than one  
11 year after the date of enactment of this section  
12 and on an annual basis thereafter, the working  
13 group shall submit its first report to the Sec-  
14 retary, including any recommendations of the  
15 group—

16 “(i) to reduce redundancies and in-  
17 crease efficiencies with the screening and  
18 inspection of inbound cargo; and

19 “(ii) on the potential development of a  
20 fee structure to help sustain cargo-screen-  
21 ing efforts.”.

22 (b) CLERICAL AMENDMENT.—The analysis for such  
23 subchapter is amended by adding at the end the following:

“Sec. 44946. Aviation Security Advisory Committee.”.

1 **SEC. 209. GENERAL AVIATION SECURITY.**

2 (a) IN GENERAL.—Subchapter II of chapter 449 of  
3 title 49, United States Code, is further amended by adding  
4 at the end the following:

5 **“§ 44947. General aviation security**

6 “(a) GENERAL AVIATION SECURITY GRANT PRO-  
7 GRAM.—

8 “(1) IN GENERAL.—The Secretary of Homeland  
9 Security shall carry out a general aviation security  
10 grant program to enhance transportation security at  
11 general aviation airports by making grants to opera-  
12 tors of general aviation airports for projects for im-  
13 provements to enhance perimeter security, airfield  
14 security, and terminal security.

15 “(2) ELIGIBLE PROJECTS.—Not later than one  
16 year after the date of submission of the first report  
17 of the working group under subsection (b), the Sec-  
18 retary shall develop and make publically available a  
19 list of approved eligible projects for such grants  
20 based upon recommendations made by the working  
21 group in such report.

22 “(3) FEDERAL SHARE.—The Federal share of  
23 the cost of activities for which grants are made  
24 under this subsection shall be 90 percent.

25 “(b) GENERAL AVIATION SECURITY WORKING  
26 GROUP.—



1           “(1) IN GENERAL.—The Secretary of Homeland  
2 Security, acting through the Assistant Secretary,  
3 shall establish, in the Aviation Security Advisory  
4 Committee established under section 44946, a gen-  
5 eral aviation working group to advise the Transpor-  
6 tation Security Administration regarding transpor-  
7 tation security issues for general aviation facilities  
8 and general aviation aircraft.

9           “(2) MEETINGS.—The working group shall  
10 meet on a semi-annual basis.

11           “(3) MEMBERSHIP.—The Assistant Secretary  
12 shall appoint members from the Aviation Security  
13 Advisory Committee with general aviation experi-  
14 ence.

15           “(4) REPORTS.—

16           “(A) SUBMISSION.—The working group  
17 shall submit a report to the Secretary with rec-  
18 ommendations on ways to improve security at  
19 general aviation airports.

20           “(B) CONTENTS OF REPORT.—The report  
21 of the working group submitted to the Sec-  
22 retary under this paragraph shall include any  
23 recommendations of the working group for eligi-  
24 ble security enhancement projects at general

1 aviation airports to be funded by grants under  
2 subsection (a).

3 “(C) SUBSEQUENT REPORTS.—After sub-  
4 mitting the report, the working group shall con-  
5 tinue to report to the Secretary on general avia-  
6 tion aircraft and airports.

7 “(c) AUTHORIZATION OF APPROPRIATIONS.—From  
8 amounts authorized under section 101 of the Transpor-  
9 tation Security Administration Authorization Act, there is  
10 authorized to be appropriated for making grants under  
11 subsection (a) \$10,000,000 for each of fiscal years 2010  
12 and 2011.”.

13 (b) CLERICAL AMENDMENT.—The analysis for such  
14 subchapter is further amended by adding at the end the  
15 following:

“Sec. 44947. General aviation security.”.

## 16 **Subtitle B—Other Matters**

### 17 **SEC. 221. SECURITY RISK ASSESSMENT OF AIRPORT PERIM-** 18 **ETER ACCESS CONTROLS.**

19 (a) IN GENERAL.—The Secretary, acting through the  
20 Assistant Secretary, shall develop a strategic risk-based  
21 plan to improve transportation security at airports that  
22 includes best practices to make airport perimeter access  
23 controls more secure at all commercial service and general  
24 aviation airports.

25 (b) CONTENTS.—The plan shall—

1           (1) incorporate best practices for enhanced pe-  
2           rimeter access controls;

3           (2) evaluate and incorporate major findings of  
4           all relevant pilot programs of the Transportation Se-  
5           curity Administration;

6           (3) integrate recommendations of the Govern-  
7           ment Accountability Office on perimeter access con-  
8           trols; and

9           (4) include a requirement that airports update  
10          their security plans to incorporate the best practices,  
11          as appropriate, based on risk and adapt the best  
12          practices to meet the needs specific to their facilities.

13 **SEC. 222. ADVANCED PASSENGER PRESCREENING SYSTEM.**

14          (a) INITIAL REPORT.—Not later than 90 days after  
15          the date of enactment of this Act, the Comptroller General  
16          shall submit to the Committee on Homeland Security of  
17          the House of Representatives and the Committee on Com-  
18          merce, Science, and Transportation of the Senate a report  
19          that—

20                (1) describes the progress made by the Depart-  
21                ment of Homeland Security in implementing the ad-  
22                vanced passenger prescreening system; and

23                (2) includes any other relevant recommenda-  
24                tions that the Comptroller General determines ap-  
25                propriate.

1 (b) SUBSEQUENT REPORTS.—The Comptroller Gen-  
2 eral shall submit subsequent reports on the implementa-  
3 tion to such Committees every 90 days thereafter until the  
4 implementation is complete.

5 **SEC. 223. BIOMETRIC IDENTIFIER AIRPORT ACCESS EN-**  
6 **HANCEMENT DEMONSTRATION PROGRAM.**

7 (a) IN GENERAL.—The Secretary, acting through the  
8 Assistant Secretary, shall carry out a demonstration pro-  
9 gram under which biometric identifier access systems for  
10 individuals with access to secure or sterile areas of an air-  
11 port, including airport employees and flight crews, are  
12 evaluated for the purposes of enhancing transportation se-  
13 curity at airports and to determine how airports can im-  
14 plement uniform biometric identifier and interoperable se-  
15 curity systems.

16 (b) AIRPORTS PARTICIPATING IN PROGRAM.—The  
17 Secretary shall select at least 7 airports, including at least  
18 2 large airports, to participate in the demonstration pro-  
19 gram.

20 (c) INITIATION AND DURATION OF PROGRAM.—

21 (1) DEADLINE FOR INITIATION.—The Secretary  
22 shall initiate the demonstration program not later  
23 than one year after the date of enactment of this  
24 Act.

1           (2) DURATION.—The program shall have a du-  
2           ration of not less than 180 days and not more than  
3           one year.

4           (d) REQUIRED ELEMENTS.—In conducting the dem-  
5           onstration program, the Secretary shall—

6           (1) assess best operational, administrative, and  
7           management practices in creating uniform, stand-  
8           ards-based, and interoperable biometric identifier  
9           systems for all individuals with access to secure or  
10          sterile areas of commercial service airports; and

11          (2) conduct a risk-based analysis of the selected  
12          airports and other airports, as the Secretary deter-  
13          mines appropriate, to identify where the implementa-  
14          tion of biometric identifier systems could benefit se-  
15          curity.

16          (e) CONSIDERATIONS.—In conducting the demonstra-  
17          tion program, the Secretary shall consider, at a minimum,  
18          the following:

19          (1) PARALLEL SYSTEMS.—Existing parallel bio-  
20          metric transportation security systems applicable to  
21          workers with unescorted access to transportation  
22          systems, including—

23                  (A) transportation worker identification  
24                  credentials issued under section 70105 of title  
25                  46, United States Code;

1 (B) armed law enforcement travel creden-  
2 tials issued under section 44903(h)(6) of title  
3 49, United States Code; and

4 (C) other credential and biometric identi-  
5 fier systems used by the Federal Government,  
6 as the Secretary considers appropriate.

7 (2) EFFORTS BY TRANSPORTATION SECURITY  
8 ADMINISTRATION.—Any biometric identifier system  
9 or proposals developed by the Assistant Secretary.

10 (3) INFRASTRUCTURE AND TECHNICAL RE-  
11 QUIREMENTS.—The architecture, modules, inter-  
12 faces, and transmission of data needed for airport  
13 security operations.

14 (4) EXISTING AIRPORT SYSTEMS.—  
15 Credentialing and access control systems in use in  
16 secure and sterile areas of airports.

17 (5) ASSOCIATED COSTS.—The costs of imple-  
18 menting uniform, standards-based, and interoperable  
19 biometric identifier systems at airports, including—

20 (A) the costs to airport operators, airport  
21 workers, air carriers, and other aviation indus-  
22 try stakeholders; and

23 (B) the costs associated with ongoing oper-  
24 ations and maintenance and modifications and

1           enhancements needed to support changes in  
2           physical and electronic infrastructure.

3           (6) INFORMATION FROM OTHER SOURCES.—

4           Recommendations, guidance, and information from  
5           other sources, including the Comptroller General and  
6           other governmental entities, organizations rep-  
7           resenting airport workers, and private individuals  
8           and organizations.

9           (f) IDENTIFICATION OF BEST PRACTICES.—In con-  
10          ducting the demonstration program, the Secretary shall  
11          identify best practices for the administration of biometric  
12          identifier access at airports, including best practices for  
13          each of the following processes:

14                 (1) Registration, vetting, and enrollment.

15                 (2) Issuance.

16                 (3) Verification and use.

17                 (4) Expiration and revocation.

18                 (5) Development of a cost structure for acquisi-  
19          tion of biometric identifier credentials.

20                 (6) Development of redress processes for work-  
21          ers.

22          (g) CONSULTATION.—In conducting the demonstra-  
23          tion program, the Secretary shall consult with the Aviation  
24          Security Advisory Committee on how airports can transi-  
25          tion to uniform, standards-based, and interoperable bio-

1 metric identifier systems for airport workers and others  
2 with unescorted access to secure or sterile areas of an air-  
3 port.

4 (h) EVALUATION.—The Secretary shall conduct an  
5 evaluation of the demonstration program to specifically as-  
6 sess best operational, administrative, and management  
7 practices in creating a standard, interoperable, biometric  
8 identifier access system for all individuals with access to  
9 secure or sterile areas of commercial service airports.

10 (i) REPORT TO CONGRESS.—Not later than 180 days  
11 after the last day of the demonstration program, the Sec-  
12 retary shall submit to the appropriate congressional com-  
13 mittees, including the Committee on Homeland Security  
14 of the House of Representatives, a report on the results  
15 of the demonstration program. The report shall include  
16 possible incentives for airports that voluntarily seek to im-  
17 plement uniform, standards-based, and interoperable bio-  
18 metric identifier systems.

19 (j) BIOMETRIC IDENTIFIER SYSTEM DEFINED.—In  
20 this section, the term “biometric identifier system” means  
21 a system that uses biometric identifier information to  
22 match individuals and confirm identity for transportation  
23 security and other purposes.

24 (k) AUTHORIZATION OF APPROPRIATIONS.—From  
25 amounts authorized under section 101, there is authorized



1 to be appropriated a total of \$20,000,000 to carry out this  
2 section for fiscal years 2010 and 2011.

3 **SEC. 224. TRANSPORTATION SECURITY TRAINING PRO-**  
4 **GRAMS.**

5 Not later than one year after the date of enactment  
6 of this Act, the Secretary, acting through the Assistant  
7 Secretary, shall establish recurring training of transpor-  
8 tation security officers on updates to screening procedures  
9 and technologies in response to weaknesses identified in  
10 covert tests at airports. The training shall include—

11 (1) internal controls for monitoring and docu-  
12 menting compliance of transportation security offi-  
13 cers with training requirements;

14 (2) the availability of high-speed Internet and  
15 Intranet connectivity to all airport training facilities  
16 of the Administration; and

17 (3) such other matters as identified by the As-  
18 sistant Secretary with regard to training.

19 **SEC. 225. DEPLOYMENT OF TECHNOLOGY APPROVED BY**  
20 **SCIENCE AND TECHNOLOGY DIRECTORATE.**

21 (a) IN GENERAL.—The Secretary, in consultation  
22 with the Directorate of Science and Technology of the De-  
23 partment of Homeland Security, shall develop and submit  
24 to the appropriate committees of Congress, including the  
25 Committee on Homeland Security of the House of Rep-

1 representatives, a strategic plan for the integration of tech-  
2 nologies for transportation security with high approval or  
3 testing results from the Directorate and the Transpor-  
4 tation Security Laboratory of the Department.

5 (b) CONTENTS OF STRATEGIC PLAN.—The strategic  
6 plan developed under subsection (a) shall include—

7 (1) a cost-benefit analysis to assist in  
8 prioritizing investments in new checkpoint screening  
9 technologies that compare the costs and benefits of  
10 screening technologies being considered for develop-  
11 ment or acquisition with the costs and benefits of  
12 other viable alternatives;

13 (2) quantifiable performance measures to assess  
14 the extent to which investments in research, develop-  
15 ment, and deployment of checkpoint screening tech-  
16 nologies achieve performance goals for enhancing se-  
17 curity at airport passenger checkpoints; and

18 (3) a method to ensure that operational tests  
19 and evaluations have been successfully completed in  
20 an operational environment before deploying check-  
21 point screening technologies to airport checkpoints.

22 (c) REPORT TO CONGRESS.—The Secretary shall  
23 submit to the appropriate committees of Congress, includ-  
24 ing the Committee on Homeland Security of the House  
25 of Representatives, an annual report assessing all tech-

1 nologies that have undergone testing and evaluation by the  
2 Transportation Security Laboratory and any technologies  
3 used in any demonstration program administered by the  
4 Transportation Security Administration. The first report  
5 submitted under this subsection shall assess such tech-  
6 nologies for a period of not less than 2 years.

7 **SEC. 226. IN-LINE BAGGAGE SCREENING STUDY.**

8       The Assistant Secretary shall consult with the Advi-  
9 sory Committee and report to the appropriate committees  
10 of Congress, including the Committee on Homeland Secu-  
11 rity of the House of Representatives, on deploying optimal  
12 baggage screening solutions and replacing aging baggage  
13 screening equipment at commercial service airports. Spe-  
14 cifically, the report shall address the Administration's  
15 plans, estimated costs, and current milestones for replac-  
16 ing explosive detection equipment that is nearing the end  
17 of its useful product life.

18 **SEC. 227. GAO REPORT ON CERTAIN CONTRACTS AND USE**  
19 **OF FUNDS.**

20       Not later than 60 days after the date of enactment  
21 of this Act, and every 6 months thereafter, the Comp-  
22 troller General shall submit to the Committee on Home-  
23 land Security of the House of Representatives and the  
24 Committee on Commerce, Science, and Transportation of  
25 the Senate a report regarding any funds made available

1 by the Consolidated Security, Disaster Assistance, and  
2 Continuing Appropriations Act, 2009 (Public Law 110–  
3 329), the Omnibus Appropriations Act, 2009 (Public Law  
4 111–8), or the Economic Stimulus Act of 2008 (Public  
5 Law 110–185) used by the Transportation Security Ad-  
6 ministration to award a contract for any explosive detec-  
7 tion screening system or to implement any other screening  
8 or detection technology for use at an airport.

9 **SEC. 228. IG REPORT ON CERTAIN POLICIES FOR FEDERAL**  
10 **AIR MARSHALS.**

11 Not later than 120 days after the date of enactment  
12 of this Act, the Inspector General of the Department of  
13 Homeland Security shall review the minimum standards  
14 and policies regarding rest periods between deployments  
15 and any other standards or policies applicable to Federal  
16 air marshals reporting to duty. After such review, the In-  
17 spector General shall make any recommendations to such  
18 standards and policies the Inspector considers necessary  
19 to ensure an alert and responsible workforce of Federal  
20 air marshals.

1                   **TITLE III—SURFACE**  
2                   **TRANSPORTATION SECURITY**

3   **SEC. 301. SURFACE TRANSPORTATION SECURITY INSPEC-**  
4                   **TION PROGRAM.**

5           (a) FINDINGS, DEFINITION, AND INSPECTION OF-  
6   FICE.—Congress finds the following:

7           (1) Surface transportation security inspectors  
8           assist bus and passenger rail stakeholders in identi-  
9           fying security gaps through Baseline Assessment for  
10          Security Enhancement (“BASE”) reviews, monitor  
11          freight rail stakeholder efforts to reduce the risk  
12          that toxic inhalation hazard shipments pose to high  
13          threat urban areas through Security Action Item  
14          (“SAI”) reviews, and assist in strengthening chain  
15          of custody security.

16          (2) Surface transportation security inspectors  
17          play a critical role in building and maintaining work-  
18          ing relationships with transit agencies and acting as  
19          liaisons between such agencies and the Transpor-  
20          tation Security Operations Center, relationships  
21          which are vital to effective implementation of the  
22          surface transportation security mission.

23          (3) Because Visible Intermodal Prevention and  
24          Response (referred to in this section as “VIPR”)  
25          team coordinators and participants are often unfa-

1       miliar with the nature of surface transportation se-  
2       curity inspector activities, the Transportation Secu-  
3       rity Administration would benefit significantly from  
4       integrating the inspectors' activities and expertise  
5       into VIPR exercises, as well as using the profes-  
6       sional strengths and experience of the inspectors to  
7       educate and familiarize other VIPR team compo-  
8       nents about surface modes.

9               (4) In December 2006, the Transportation Se-  
10       curity Administration shifted from a system in which  
11       surface transportation security inspectors reported  
12       to surface-focused supervisors to a system in which  
13       inspectors report to aviation-focused supervisors in  
14       the field; a shift which has resulted in a strained  
15       chain of command, misappropriation of inspectors to  
16       nonsurface activities, the hiring of senior-level in-  
17       spectors with no surface qualifications, and signifi-  
18       cant damage to relationships with transit agencies  
19       and inspector morale.

20       (b) ASSISTANT SECRETARY DEFINED.—Section 1301  
21       of the Implementing Recommendations of the 9/11 Com-  
22       mission Act of 2007 (6 U.S.C. 1111) is amended by add-  
23       ing at the end the following:

1           “(7) ASSISTANT SECRETARY.—The term ‘As-  
2           sistant Secretary’ means the Assistant Secretary,  
3           Transportation Security Administration.”.

4           (c) SURFACE TRANSPORTATION SECURITY INSPEC-  
5           TION OFFICE.—Section 1304 of the Implementing Rec-  
6           ommendations of the 9/11 Commission Act of 2007 (6  
7           U.S.C. 1113) is amended by striking subsections (a) and  
8           (b) and inserting the following:

9           “(a) SURFACE TRANSPORTATION SECURITY INSPEC-  
10          TION OFFICE.—

11           “(1) ESTABLISHMENT.—The Secretary, acting  
12           through the Assistant Secretary, shall establish an  
13           office to be known as the ‘Surface Transportation  
14           Security Inspection Office’ (in this section referred  
15           to as the ‘Office’).

16           “(2) MISSION.—The Secretary shall use the Of-  
17           fice to train, employ, and utilize surface transpor-  
18           tation security inspectors to—

19           “(A) assist surface transportation carriers,  
20           operators, owners, entities, and facilities to en-  
21           hance their security against terrorist attacks  
22           and other security threats; and

23           “(B) assist the Secretary in enforcing ap-  
24           plicable surface transportation security regula-  
25           tions and directives.

1 “(3) OFFICERS.—

2 “(A) DIRECTOR.—The head of the Office  
3 shall be the Director, who shall—

4 “(i) oversee and coordinate the activi-  
5 ties of the Office, including all officers and  
6 any corresponding surface transportation  
7 modes in which the Office carries out such  
8 activities, and the surface transportation  
9 security inspectors who assist in such ac-  
10 tivities; and

11 “(ii) act as the primary point of con-  
12 tact between the Office and other entities  
13 that support the Department’s surface  
14 transportation security mission to ensure  
15 efficient and appropriate use of surface  
16 transportation security inspectors and  
17 maintain strong working relationships with  
18 surface transportation security stake-  
19 holders.

20 “(B) DEPUTY DIRECTOR.—There shall be  
21 a Deputy Director of the Office, who shall—

22 “(i) assist the Director in carrying out  
23 the responsibilities of the Director under  
24 this subsection; and



1                   “(ii) serve as acting Director in the  
2                   absence of the Director and during any va-  
3                   cancy in the office of Director.

4                   “(4) APPOINTMENT.—The Director and Deputy  
5                   Director shall be appointed by the Secretary, and  
6                   shall be responsible on a full-time basis for the du-  
7                   ties and responsibilities described in this subsection.

8                   “(5) LIMITATION.—No person shall serve as an  
9                   officer under subsection (a)(3) while serving in any  
10                  other position in the Federal Government.

11                  “(6) FIELD OFFICES.—

12                  “(A) ESTABLISHMENT.—The Secretary  
13                  shall establish primary and secondary field of-  
14                  fices in the United States to be staffed by sur-  
15                  face transportation security inspectors in the  
16                  course of carrying out their duties under this  
17                  section.

18                  “(B) DESIGNATION.—The locations for,  
19                  and designation as ‘primary’ or ‘secondary’ of,  
20                  such field offices shall be determined in a man-  
21                  ner that is consistent with the Department’s  
22                  risk-based approach to carrying out its home-  
23                  land security mission.

24                  “(C) COMMAND STRUCTURE.—

1           “(i) PRIMARY FIELD OFFICES.—Each  
2 primary field office shall be led by a chief  
3 surface transportation security inspector,  
4 who shall have significant experience as a  
5 surface transportation security inspector  
6 and shall report directly to the Director.

7           “(ii) SECONDARY FIELD OFFICES.—  
8 Each secondary field office shall be led by  
9 a senior surface transportation security in-  
10 spector, who shall report directly to the  
11 chief surface transportation security in-  
12 spector of a geographically appropriate pri-  
13 mary field office, as determined by the Di-  
14 rector.

15           “(D) PERSONNEL.—Not later than 18  
16 months after the date of enactment of the  
17 Transportation Security Administration Author-  
18 ization Act, field offices shall be staffed with—

19           “(i) not fewer than 7 surface trans-  
20 portation security inspectors, including one  
21 chief surface transportation security in-  
22 spector, at every primary field office; and

23           “(ii) not fewer than 5 surface trans-  
24 portation security inspectors, including one

1                   senior surface transportation security in-  
2                   specter, at every secondary field office.”.

3           (d) NUMBER OF INSPECTORS.—Section 1304(f) of  
4 such Act (6 U.S.C. 1113(f)) is amended to read as follows:

5           “(f) NUMBER OF INSPECTORS.—Subject to the avail-  
6 ability of appropriations, the Secretary shall hire not fewer  
7 than—

8                   “(1) 200 additional surface transportation secu-  
9 rity inspectors in fiscal year 2010; and

10                   “(2) 100 additional surface transportation secu-  
11 rity inspectors in fiscal year 2011.”.

12           (e) COORDINATION.—Section 1304(g) of such Act (6  
13 U.S.C. 1113(g)) is amended by striking “114(t)” and in-  
14 serting “114(s)”.

15           (f) REPORT.—Section 1304(i) of such Act (6 U.S.C.  
16 1113(i)) is amended to by striking “2008” and inserting  
17 “2011”.

18           (g) PLAN.—Section 1304(j) of such Act (6 U.S.C.  
19 1113(j)) is amended to read as follows:

20           “(j) PLAN.—

21                   “(1) IN GENERAL.—Not later than 180 days  
22 after the date of enactment of the Transportation  
23 Security Administration Authorization Act, the Sec-  
24 retary shall submit to the Committee on Homeland  
25 Security of the House of Representatives and the

1 Committee on Homeland Security and Governmental  
2 Affairs of the Senate a plan for expanding the duties  
3 and leveraging the expertise of surface transpor-  
4 tation security inspectors to further support the De-  
5 partment’s surface transportation security mission.

6 “(2) CONTENTS.—The plan shall include—

7 “(A) an analysis of how surface transpor-  
8 tation security inspectors could be used to con-  
9 duct oversight activities with respect to surface  
10 transportation security projects funded by rel-  
11 evant grant programs administered by the De-  
12 partment;

13 “(B) an evaluation of how to maximize the  
14 use of surface transportation security inspectors  
15 in Visible Intermodal Prevention and Response  
16 team operations carried out under section 1303  
17 and the extent to which having some inspectors  
18 with law enforcement qualifications or status  
19 could enhance their capacity to take an active  
20 role in such operations; and

21 “(C) any other potential functions relating  
22 to surface transportation security the Secretary  
23 determines appropriate.”.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 1304 of such Act (6 U.S.C. 1113) is amended by adding  
3 the following:

4 “(k) AUTHORIZATION OF APPROPRIATIONS.—From  
5 amounts authorized under section 101 of the Transpor-  
6 tation Security Administration Authorization Act, there  
7 are authorized to be appropriated such sums as may be  
8 necessary to the Secretary to carry out this section for  
9 fiscal years 2010 and 2011.”.

10 **SEC. 302. STRENGTHENING VISIBLE INTERMODAL PREVEN-**  
11 **TION AND RESPONSE TEAMS.**

12 Section 1303 of the Implementing Recommendations  
13 of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is  
14 amended—

15 (1) in subsection (a) by striking “Administrator  
16 of the Transportation Security Administration,” and  
17 inserting “Assistant Secretary”;

18 (2) in subsection (a)(4) by striking “team,” and  
19 inserting “team as to specific locations and times  
20 within their facilities at which VIPR teams should  
21 be deployed to maximize the effectiveness of such de-  
22 ployment and other matters,”; and

23 (3) by striking subsection (b) and inserting the  
24 following:

1           “(b) PERFORMANCE MEASURES.—Not later than one  
2 year after the date of enactment of the Transportation Se-  
3 curity Administration Authorization Act, the Secretary  
4 shall develop a system of qualitative performance meas-  
5 ures and objectives by which to assess the roles, activities,  
6 and effectiveness of VIPR team operations, including a  
7 mechanism through which the transportation entities list-  
8 ed in subsection (a)(4) may submit feedback on VIPR  
9 team operations involving their systems or facilities.

10           “(c) PLAN.—Not later than one year after the date  
11 of enactment of the Transportation Security Administra-  
12 tion Authorization Act, the Secretary shall develop and  
13 submit to the Committee on Homeland Security of the  
14 House of Representatives and the Committee on Home-  
15 land Security and Governmental Affairs of the Senate a  
16 plan for ensuring the interoperability of communications  
17 among all participating VIPR team components as des-  
18 igned under subsection (a)(1) and between VIPR teams  
19 and any relevant transportation entities as designated in  
20 subsection (a)(4) whose systems or facilities are hosting  
21 VIPR team operations, including an analysis of the costs  
22 and resources required to carry out the plan.

23           “(d) AUTHORIZATION OF APPROPRIATIONS.—From  
24 amounts authorized under section 101 of the Transpor-  
25 tation Security Administration Authorization Act, there

1 are authorized to be appropriated to the Secretary to carry  
2 out this section such sums as may be necessary for fiscal  
3 years 2010 and 2011.”.

4 **SEC. 303. SURFACE TRANSPORTATION SECURITY STAKE-**  
5 **HOLDER PARTICIPATION.**

6 (a) IN GENERAL.—Subchapter II of chapter 4 of title  
7 6, United States Code, is amended by adding at the end  
8 the following:

9 **“§ 1118. Surface Transportation Security Advisory**  
10 **Committee.**

11 “(a) ESTABLISHMENT.—

12 “(1) IN GENERAL.—The Secretary shall estab-  
13 lish in the Transportation Security Administration  
14 an advisory committee, to be known as the ‘Surface  
15 Transportation Security Advisory Committee’ (in  
16 this chapter referred to as the ‘Advisory Com-  
17 mittee’), to assist the Secretary with issues per-  
18 taining to surface transportation security.

19 “(2) RECOMMENDATIONS.—

20 “(A) IN GENERAL.—The Secretary, acting  
21 through the Assistant Secretary, shall require  
22 the Advisory Committee to develop rec-  
23 ommendations for improvements to surface  
24 transportation security planning, methods,  
25 equipment, and processes.

1           “(B) PRIORITY ISSUES.—Not later than  
2           one year after the date of enactment of the  
3           Transportation Security Administration Author-  
4           ization Act, the Advisory Committee shall pro-  
5           vide the Secretary with recommendations on—

6                   “(i) improving homeland security in-  
7                   formation sharing between components of  
8                   the Department and surface transportation  
9                   security stakeholders, including those rep-  
10                  resented on the Advisory Committee; and

11                   “(ii) streamlining or consolidating re-  
12                  dundant security background checks re-  
13                  quired by the Department under relevant  
14                  statutes governing surface transportation  
15                  security, as well as redundant security  
16                  background checks required by States  
17                  where there is no legitimate homeland se-  
18                  curity basis for requiring such checks.

19           “(3) MEETINGS.—The Assistant Secretary shall  
20           require the Advisory Committee to meet at least  
21           semi-annually and may convene additional meetings  
22           as necessary.

23           “(4) UNPAID POSITION.—Advisory Committee  
24           Members shall serve at their own expense and re-  
25           ceive no salary, reimbursement for travel expenses,



1 or other compensation from the Federal Govern-  
2 ment.

3 “(b) MEMBERSHIP.—

4 “(1) IN GENERAL.—The Assistant Secretary  
5 shall ensure that the Advisory Committee is com-  
6 posed of not more than 27 members, including rep-  
7 resentatives from public transportation agencies,  
8 passenger rail agencies or operators, railroad car-  
9 riers, motor carriers, owners or operators of high-  
10 ways, over-the-road bus operators and terminal own-  
11 ers and operators, pipeline operators, labor organiza-  
12 tions representing employees of such entities, and  
13 the surface transportation security technology indus-  
14 try.

15 “(2) REPRESENTATIVES.—The representatives  
16 listed in paragraph (1) shall have at least one mem-  
17 ber on the Advisory Committee, but not more than  
18 a maximum of three members.

19 “(3) APPOINTMENT.—Members shall be ap-  
20 pointed by the Assistant Secretary.

21 “(4) REVIEW.—The Assistant Secretary shall  
22 have the discretion to review the participation of any  
23 Advisory Committee Member and recommend  
24 changes for cause at any time.

1       “(c) NONAPPLICABILITY OF FACa.—The Federal Ad-  
2       visory Committee Act (5 U.S.C. App.) shall not apply to  
3       the Advisory Committee.

4       “(d) PASSENGER RAIL AND PUBLIC TRANSPOR-  
5       TATION SECURITY WORKING GROUP.—

6               “(1) IN GENERAL.—The Secretary shall estab-  
7       lish within the Advisory Committee a passenger rail  
8       and public transportation security working group to  
9       provide recommendations for successful implementa-  
10      tion of initiatives relating to passenger and public  
11      transportation security proposed by the Transpor-  
12      tation Security Administration in accordance with  
13      statutory requirements, including relevant grant pro-  
14      grams, security training provisions, and Visible  
15      Intermodal Prevention and Response Team (VIPR)  
16      operations.

17              “(2) MEETINGS.—The working group shall  
18      meet at least semi-annually and provide annual re-  
19      ports to the Secretary with recommendations to im-  
20      prove the Transportation Security Administration’s  
21      initiatives relating to passenger rail and public  
22      transportation security, including grant, training, in-  
23      spection, or other relevant programs authorized in  
24      titles XIII and title XIV of the Implementing Rec-

1 ommendations of the 9/11 Commission Act of 2007  
2 (Public Law 110–53).

3 “(3) MEMBERSHIP.—The working group shall  
4 be composed of members from the Advisory Com-  
5 mittee with expertise in public transportation and  
6 passenger rail systems and security operations, all  
7 appointed by the Assistant Secretary.

8 “(4) REPORTS.—

9 “(A) IN GENERAL.—The working group  
10 shall prepare and submit reports to the Sec-  
11 retary in accordance with this paragraph that  
12 provide recommendations as described in para-  
13 graphs (1) and (2) of this subsection.

14 “(B) SUBMISSION.—Not later than one  
15 year after the date of enactment of the Trans-  
16 portation Security Administration Authorization  
17 Act, and on an annual basis thereafter, the  
18 working group shall submit a report on findings  
19 and recommendations developed under subpara-  
20 graph (A) to the Secretary.

21 “(e) FREIGHT RAIL SECURITY WORKING GROUP.—

22 “(1) IN GENERAL.—The Secretary shall estab-  
23 lish within the Advisory Committee a freight rail se-  
24 curity working group to provide recommendations  
25 for successful implementation of initiatives relating

1 to freight rail security proposed by the Transpor-  
2 tation Security Administration in accordance with  
3 statutory requirements, including relevant grant pro-  
4 grams, security training provisions, and security  
5 planning.

6 “(2) MEETINGS.—The working group shall  
7 meet at least semi-annually and provide annual re-  
8 ports to the Secretary with recommendations to im-  
9 prove the Transportation Security Administration’s  
10 initiatives relating to freight rail security, including  
11 grant, training, inspection, or other relevant pro-  
12 grams authorized in titles XIII and XV of the Im-  
13 plementing Recommendations of the 9/11 Commis-  
14 sion Act of 2007 (Public Law 110–53).

15 “(3) MEMBERSHIP.—The working group shall  
16 be composed of members from the Advisory Com-  
17 mittee with expertise in freight rail systems and se-  
18 curity operations, all appointed by the Assistant Sec-  
19 retary.

20 “(4) REPORTS.—

21 “(A) IN GENERAL.—The working group  
22 shall prepare and submit reports to the Sec-  
23 retary in accordance with this paragraph that  
24 provide recommendations as described in para-  
25 graphs (1) and (2) of this subsection.

1           “(B) SUBMISSION.—Not later than one  
2           year after the date of enactment of the Trans-  
3           portation Security Administration Authorization  
4           Act, and on an annual basis thereafter, the  
5           working group shall submit a report on findings  
6           and recommendations developed under subpara-  
7           graph (A) to the Secretary.”.

8           (b) CLERICAL AMENDMENT.—The analysis for such  
9           subchapter is amended by adding at the end the following:  
          “1118. Surface Transportation Security Advisory Committee.”.

10   **SEC. 304. HUMAN CAPITAL PLAN FOR SURFACE TRANSPOR-**  
11                                   **TATION SECURITY PERSONNEL.**

12           (a) IN GENERAL.—Not later than one year after the  
13           date of enactment of this Act, the Secretary, acting  
14           through the Assistant Secretary shall submit to the Com-  
15           mittee on Homeland Security of the House of Representa-  
16           tives and the Committee on Homeland Security and Gov-  
17           ernmental Affairs of the Senate a human capital plan for  
18           hiring, training, managing, and compensating surface  
19           transportation security personnel, including surface trans-  
20           portation security inspectors.

21           (b) CONSULTATION.—In developing the human cap-  
22           ital plan, the Secretary shall consult with the chief human  
23           capital officer of the Department of Homeland Security,  
24           the Assistant Secretary, the Director of the Surface  
25           Transportation Security Inspection Office, the Inspector

1 General of the Department of Homeland Security, and the  
2 Comptroller General.

3 (c) APPROVAL.—Prior to submission, the human cap-  
4 ital plan shall be reviewed and approved by the chief  
5 human capital officer of the Department of Homeland Se-  
6 curity.

7 **SEC. 305. SURFACE TRANSPORTATION SECURITY TRAIN-**  
8 **ING.**

9 (a) STATUS REPORT.—Not later than 30 days after  
10 the date of enactment of this Act, the Secretary shall sub-  
11 mit a report to the Committee on Homeland Security of  
12 the House of Representatives and the Committee on  
13 Homeland Security and Governmental Affairs of the Sen-  
14 ate on the status of the Department’s implementation of  
15 sections 1408, 1517, and 1534 of the Implementing Rec-  
16 ommendations of the 9/11 Commission Act of 2007 (6  
17 U.S.C. 1137, 1167, and 1184), including detailed time-  
18 frames for completed development and issuance of the  
19 transportation security training regulations required  
20 under such sections.

21 (b) PRIVATE PROVIDERS.—Not later than one year  
22 after the date of enactment of this Act, the Secretary, act-  
23 ing through the Assistant Secretary, shall develop criteria  
24 for approving and maintaining a list governed by such cri-  
25 teria, of approved private third-party providers of security

1 training with whom surface transportation entities may  
2 enter into contracts, as needed, for the purpose of satis-  
3 fying security training requirements of the Department of  
4 Homeland Security, including requirements developed  
5 under sections 1408, 1517, and 1534 of the Implementing  
6 Recommendations of the 9/11 Commission Act of 2007 (6  
7 U.S.C. 1137, 1167, and 1184), and ensure the use of  
8 small and disadvantaged businesses as third-party pro-  
9 viders for security training under this section in accord-  
10 ance with section 103 of this Act.

11 **SEC. 306. SECURITY ASSISTANCE IG REPORT.**

12 (a) IN GENERAL.—Not later than 180 days after the  
13 date of enactment of this Act, the Inspector General of  
14 the Department of Homeland Security shall submit to the  
15 Committee on Homeland Security of the House of Rep-  
16 resentatives and the Committee on Homeland Security  
17 and Governmental Affairs of the Senate a report on the  
18 roles and responsibilities of the Transportation Security  
19 Administration and any other relevant component of the  
20 Department of Homeland Security in administering secu-  
21 rity assistance grants under section 1406 of the Imple-  
22 menting Recommendations of the 9/11 Commission Act of  
23 2007 (6 U.S.C. 1135).

24 (b) CONTENTS.—The report shall—

1           (1) clarify and describe the roles and respon-  
2           sibilities of each relevant component of the Depart-  
3           ment, including the Transportation Security Admin-  
4           istration, at different stages of the grant process, in-  
5           cluding the allocation stage, the award stage, and  
6           the distribution stage;

7           (2) identify areas in which relevant components  
8           of the Department, including the Transportation Se-  
9           curity Administration, may better integrate or co-  
10          ordinate their activities in order to streamline the  
11          grant administration process and improve the effi-  
12          ciency of the project approval process for grantees;

13          (3) assess the current state of public transpor-  
14          tation and passenger rail security expertise pos-  
15          sessed by relevant personnel involved in the grant  
16          administration or project approval processes carried  
17          out by relevant components of the Department, in-  
18          cluding the Transportation Security Administration;  
19          and

20          (4) include recommendations for how each rel-  
21          evant component of the Department, including the  
22          Transportation Security Administration, may further  
23          clarify, coordinate, or maximize its roles and respon-  
24          sibilities in administering grant funds and approving  
25          grant projects under section 1406.



1 **SEC. 307. INTERNATIONAL LESSONS LEARNED FOR SECUR-**  
2 **ING PASSENGER RAIL AND PUBLIC TRANS-**  
3 **PORTATION SYSTEMS.**

4 (a) FINDINGS.—Congress finds that—

5 (1) numerous terrorist attacks since September  
6 11, 2001, have targeted passenger rail or public  
7 transportation systems;

8 (2) nearly 200 people were killed and almost  
9 2,000 more were injured when terrorists set off 10  
10 simultaneous explosions on 4 commuter trains in  
11 Madrid, Spain, on March 11, 2004;

12 (3) 50 people were killed and more than 700 in-  
13 jured in successive bombings of 3 transit stations  
14 and a public bus in London, England, on July 7,  
15 2005, and a second attack against 4 similar targets  
16 on July 21, 2005, failed because of faulty deto-  
17 nators;

18 (4) more than 200 people were killed and more  
19 than 700 injured in simultaneous terrorist bombings  
20 of commuter trains on the Western Line in the sub-  
21 urbs of Mumbai, India, on July 11, 2006;

22 (5) the acts of terrorism in Mumbai, India, on  
23 November 26, 2008, included commando-style at-  
24 tacks on a major railway station; and

25 (6) a disproportionately low amount of atten-  
26 tion and resources have been devoted to surface

1 transportation security by the Department of Home-  
2 land Security, including the security of passenger  
3 rail and public transportation systems, as compared  
4 with aviation security, which has been the primary  
5 focus of Federal transportation security efforts gen-  
6 erally, and of the Transportation Security Adminis-  
7 tration in particular.

8 (b) STUDY.—The Comptroller General shall conduct  
9 a study on the efforts undertaken by the Secretary and  
10 Assistant Secretary, as well as other entities determined  
11 by the Comptroller General to have made significant ef-  
12 forts since January 1, 2004, to learn from foreign nations  
13 that have been targets of terrorist attacks on passenger  
14 rail and public transportation systems in an effort to iden-  
15 tify lessons learned from the experience of such nations  
16 to improve the execution of Department functions to ad-  
17 dress transportation security gaps in the United States.

18 (c) REPORT.—

19 (1) IN GENERAL.—Not later than one year  
20 after the date of enactment of this Act, the Comp-  
21 troller General shall submit to the Committee on  
22 Homeland Security of the House of Representatives  
23 and the Committee on Homeland Security and Gov-  
24 ernmental Affairs of the Senate a report on the re-  
25 sults of the study. The report shall also include an

1 analysis of relevant legal differences that may affect  
2 the ability of the Department to apply lessons  
3 learned.

4 (2) RECOMMENDATIONS.—The Comptroller  
5 General shall include in the report recommendations  
6 on how the Department and its components, includ-  
7 ing the Transportation Security Administration, can  
8 expand efforts to learn from the expertise and the  
9 security practices of passenger rail and public trans-  
10 portation systems in foreign nations that have expe-  
11 rienced terrorist attacks on such systems.

12 **SEC. 308. UNDERWATER TUNNEL SECURITY DEMONSTRATION PROJECT.**  
13

14 (a) DEMONSTRATION PROJECT.—The Secretary, act-  
15 ing through the Assistant Secretary and in consultation  
16 with the Under Secretary for Science and Technology,  
17 shall conduct a full-scale demonstration project to test and  
18 assess the feasibility and effectiveness of certain tech-  
19 nologies to enhance the security of underwater public  
20 transportation tunnels against terrorist attacks involving  
21 the use of improvised explosive devices.

22 (b) INFLATABLE PLUGS.—At least one of the tech-  
23 nologies tested under subsection (a) shall be inflatable  
24 plugs that may be rapidly deployed to prevent flooding of  
25 a tunnel.

1           (c) REPORT TO CONGRESS.—Not later than 180 days  
2 after completion of the demonstration project under this  
3 section, the Secretary shall submit a report to the appro-  
4 priate committees of Congress, including the Committee  
5 on Homeland Security of the House of Representatives,  
6 on the results of the demonstration project.

7 **SEC. 309. PASSENGER RAIL SECURITY DEMONSTRATION**  
8                                   **PROJECT.**

9           (a) DEMONSTRATION PROJECT.—The Secretary, act-  
10 ing through the Assistant Secretary and in consultation  
11 with the Under Secretary for Science and Technology,  
12 shall conduct a demonstration project in a passenger rail  
13 system to test and assess the feasibility and effectiveness  
14 of technologies to strengthen the security of passenger rail  
15 systems against terrorist attacks involving the use of im-  
16 proved explosive devices.

17           (b) SECURITY TECHNOLOGIES.—The demonstration  
18 project under this section shall test and assess tech-  
19 nologies to—

20                   (1) detect improvised explosive devices on sta-  
21 tion platforms, through the use of foreign object de-  
22 tection programs in conjunction with cameras; and

23                   (2) defeat improvised explosive devices left on  
24 rail tracks.

1           (c) REPORT TO CONGRESS.—Not later than 180 days  
2 after completion of the demonstration project under this  
3 section, the Secretary shall submit a report to the appro-  
4 priate committees of Congress, including the Committee  
5 on Homeland Security of the House of Representatives,  
6 on the results of the demonstration project.

7 **SEC. 310. REPORT AND RECOMMENDATION FOR UNIFORM**  
8 **SECURITY BACKGROUND CHECKS.**

9           Not later than one year after the date of enactment  
10 of this Act, the Comptroller General shall submit to the  
11 Committee on Homeland Security of the House of Rep-  
12 resentatives a report that contains—

13           (1) a review of background checks and forms of  
14 identification required under State and local trans-  
15 portation security programs;

16           (2) a determination as to whether the back-  
17 ground checks and forms of identification required  
18 under such programs duplicate or conflict with Fed-  
19 eral programs; and

20           (3) recommendations on limiting the number of  
21 background checks and forms of identification re-  
22 quired under such programs to reduce or eliminate  
23 duplication with Federal programs.

1 **SEC. 311. EXPLOSIVES DETECTION CANINE TEAMS.**

2 Section 1307 of the Implementing Recommendations  
3 of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is  
4 amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)(A), by striking  
7 “2010” and inserting “2011”; and

8 (B) by adding at the end the following new  
9 paragraph:

10 “(3) CANINE TEAMS FOR PUBLIC TRANSPOR-  
11 TATION SECURITY.—The Secretary shall increase the  
12 number of canine teams certified by the Transpor-  
13 tation Security Administration for the purposes of  
14 public transportation activities to not less than 100  
15 canine teams by the end of fiscal year 2011.”;

16 (2) in subsection (d)—

17 (A) in paragraph (3), by striking “and”;

18 (B) in paragraph (4), by striking the pe-  
19 riod at the end and inserting the following: “;  
20 and”; and

21 (C) by adding at the end the following new  
22 paragraph:

23 “(5) expand the use of canine teams trained to  
24 detect vapor wave trails in public transportation se-  
25 curity environments, as the Secretary, in consulta-

1 tion with the Assistant Secretary, determines appro-  
2 priate.”;

3 (3) in subsection (e), by striking “, if appro-  
4 priate,” and inserting “, to the extent practicable,”  
5 ; and

6 (4) by striking subsection (f) and inserting the  
7 following new subsection (f):

8 “(f) REPORT.—Not later than one year after the date  
9 of the enactment of the Transportation Security Adminis-  
10 tration Authorization Act, the Comptroller General shall  
11 submit to the appropriate congressional committees a re-  
12 port on—

13 “(1) utilization of explosives detection canine  
14 teams to strengthen security in public transportation  
15 environments;

16 “(2) the capacity of the national explosive de-  
17 tection canine team program as a whole; and

18 “(3) how the Assistant Secretary could better  
19 support State and local public transportation entities  
20 in keeping and maintaining canine teams for the life  
21 of the canine, including by providing financial assist-  
22 ance.”.

23 **SEC. 312. ANIMAL-PROPELLED VESSELS.**

24 Notwithstanding section 70105 of title 46, United  
25 States Code, the Secretary shall not require an individual

1 to hold a transportation security card, or be accompanied  
2 by another individual who holds such a card if—

3 (1) the individual has been issued a license, cer-  
4 tificate of registry, or merchant mariner's document  
5 under part E of subtitle II of title 46, United States  
6 Code;

7 (2) the individual is not allowed unescorted ac-  
8 cess to a secure area designated in a vessel or facil-  
9 ity security plan approved by the Secretary; and

10 (3) the individual is engaged in the operation of  
11 a live animal-propelled vessel.

○