

115TH CONGRESS
1ST SESSION

S. 763

To improve surface and maritime transportation security.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2017

Mr. THUNE (for himself, Mr. NELSON, Mrs. FISCHER, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve surface and maritime transportation security.

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 “Surface and Maritime Transportation Security Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Surface and maritime transportation security assessment and implemen-
tation of risk-based strategy.

Sec. 4. Risk-based budgeting and resource allocation.

Sec. 5. Surface and maritime transportation security management and inter-
agency coordination review.

Sec. 6. Transparency.

Sec. 7. TSA counterterrorism asset deployment.

- Sec. 8. Surface Transportation Security Advisory Committee.
- Sec. 9. Review of the explosives detection canine team program.
- Sec. 10. Expansion of national explosives detection canine team program.
- Sec. 11. Explosive detection technology.
- Sec. 12. Study on security standards and best practices for passenger transportation systems.
- Sec. 13. Amtrak security upgrades.
- Sec. 14. Passenger rail vetting.
- Sec. 15. Study on surface transportation inspectors.
- Sec. 16. Security awareness program.
- Sec. 17. Voluntary use of credentialing.
- Sec. 18. Background records checks for issuance of hazmat licenses.
- Sec. 19. Cargo container scanning technology review.
- Sec. 20. Repeal of biennial reporting requirement for the Government Accountability Office relating to the Transportation Security Information sharing plan.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Transpor-
5 tation Security Administration.

6 (2) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Committee on Commerce, Science,
10 and Transportation of the Senate;

11 (B) the Committee on Homeland Security
12 of the House of Representatives; and

13 (C) the Committee on Transportation and
14 Infrastructure of the House of Representatives.

15 (3) DEPARTMENT.—The term “Department”
16 means the Department of Homeland Security.

17 (4) EXPLOSIVES DETECTION CANINE TEAM.—
18 The term “explosives detection canine team” means

1 a canine and a canine handler that are trained to
 2 detect explosives and other threats as defined by the
 3 Secretary.

4 (5) RISK.—The term “risk” means the possi-
 5 bility that a threat will take advantage of a vulner-
 6 ability to cause harm.

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

9 (7) THREAT.—The term “threat” means an ad-
 10 versary that has the intent and capability to cause
 11 harm.

12 (8) VULNERABILITY.—The term “vulnerability”
 13 means a weakness in a system or facility that a
 14 threat can exploit to cause harm.

15 **SEC. 3. SURFACE AND MARITIME TRANSPORTATION SECU-**
 16 **RITY ASSESSMENT AND IMPLEMENTATION**
 17 **OF RISK-BASED STRATEGY.**

18 (a) SECURITY ASSESSMENT.—

19 (1) IN GENERAL.—Not later than 1 year after
 20 the date of enactment of this Act, the Administrator
 21 shall complete an assessment of—

22 (A) the vulnerabilities of and risks to sur-
 23 face transportation systems; and

1 (B) in coordination with the Commandant
2 of the Coast Guard, the vulnerabilities of and
3 risks to maritime transportation systems.

4 (2) CONSIDERATIONS.—In conducting the secu-
5 rity assessment under paragraph (1), the Adminis-
6 trator shall, at a minimum—

7 (A) consider appropriate intelligence;

8 (B) consider security breaches and attacks
9 at domestic and international transportation fa-
10 cilities;

11 (C) consider the vulnerabilities and risks
12 associated with specific modes of surface trans-
13 portation;

14 (D) evaluate the vetting and security train-
15 ing of—

16 (i) employees in surface transpor-
17 tation;

18 (ii) employees in maritime transpor-
19 tation; and

20 (iii) other individuals with access to
21 sensitive or secure areas of transportation
22 networks; and

23 (E) consider input from—

24 (i) representatives of different modes
25 of surface transportation;

1 (ii) subject to paragraph (3)—

2 (I) representatives of maritime
3 transportation;

4 (II) critical infrastructure enti-
5 ties; and

6 (III) the Transportation Systems
7 Sector Coordinating Council;

8 (iii) the Commandant of the Coast
9 Guard; and

10 (iv) the heads of other relevant Fed-
11 eral departments or agencies.

12 (3) MARITIME FACILITIES.—The Commandant
13 of the Coast Guard shall coordinate with the Admin-
14 istrator to provide input and other information re-
15 garding the vulnerabilities of and risks to maritime
16 facilities.

17 (b) RISK-BASED SECURITY STRATEGY.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date the security assessment under sub-
20 section (a) is complete, the Administrator shall use
21 the results of the assessment—

22 (A) to develop and implement a cross-cut-
23 ting, risk-based security strategy that in-
24 cludes—

25 (i) all surface transportation modes;

(ii) to the extent the Transportation Security Administration provides support in maritime transportation security efforts, maritime transportation;

(iii) a mitigating strategy that aligns with each vulnerability and risk identified in subsection (a);

(iv) a planning process to inform resource allocation;

(v) priorities, milestones, and performance metrics to measure the effectiveness of the risk-based security strategy; and

(vi) processes for sharing relevant and timely intelligence threat information with appropriate stakeholders;

(B) to develop a management oversight strategy that—

(i) identifies the parties responsible for the implementation, management, and oversight of the risk-based security strategy; and

(ii) includes a plan for implementing the risk-based security strategy; and

1 (C) to modify the risk-based budget and
2 resource allocations, in accordance with section
3 4(c), for the Transportation Security Adminis-
4 tration.

5 (2) COORDINATED APPROACH.—In developing
6 and implementing the risk-based security strategy
7 under paragraph (1), the Administrator shall—

8 (A) coordinate with the heads of other rel-
9 evant Federal departments or agencies, and
10 stakeholders, as appropriate—

11 (i) to evaluate existing surface trans-
12 portation security programs, policies, and
13 initiatives, including the explosives detec-
14 tion canine teams, for consistency with the
15 risk-based security strategy and, to the ex-
16 tent practicable, avoid any unnecessary du-
17 plication of effort;

18 (ii) to determine the extent to which
19 stakeholder security programs, policies,
20 and initiatives address the vulnerabilities
21 and risks to surface transportation systems
22 identified in subsection (a); and

23 (iii) subject to clause (ii), to mitigate
24 each vulnerability and risk to surface

1 transportation systems identified in sub-
2 section (a); and

3 (B) coordinate with the Commandant of
4 the Coast Guard—

5 (i) to evaluate existing maritime
6 transportation security programs, policies,
7 and initiatives for consistency with the
8 risk-based security strategy and, to the ex-
9 tent practicable, avoid any unnecessary du-
10 plication of effort;

11 (ii) to ensure there are no security
12 gaps between jurisdictional authorities that
13 a threat can exploit to cause harm;

14 (iii) to determine the extent to which
15 stakeholder security programs, policies,
16 and initiatives address the vulnerabilities
17 and risks to maritime transportation sys-
18 tems identified in subsection (a); and

19 (iv) subject to clauses (ii) and (iii), to
20 mitigate each vulnerability and risk to
21 maritime transportation systems identified
22 in subsection (a).

23 (c) REPORT.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date the security assessment under sub-

1 section (a) is complete, the Administrator shall sub-
2 mit to the appropriate committees of Congress and
3 the Inspector General of the Department a report
4 that—

5 (A) describes the process used to complete
6 the security assessment;

7 (B) describes the process used to develop
8 the risk-based security strategy;

9 (C) describes the risk-based security strat-
10 egy;

11 (D) includes the management oversight
12 strategy;

13 (E) includes—

14 (i) the findings of the security assess-
15 ment;

16 (ii) a description of the actions rec-
17 ommended or taken by the Administrator,
18 the Commandant of the Coast Guard, or
19 the head of another Federal department or
20 agency to mitigate the vulnerabilities and
21 risks identified in subsection (a);

22 (iii) any recommendations for improv-
23 ing the coordinated approach to mitigating
24 vulnerabilities and risks to surface and
25 maritime transportation systems; and

1 (iv) any recommended changes to the
 2 National Infrastructure Protection Plan,
 3 the modal annexes to such plan, or rel-
 4 evant surface or maritime transportation
 5 security programs, policies, or initiatives;
 6 and
 7 (F) may contain a classified annex.

8 (2) PROTECTIONS.—In preparing the report,
 9 the Administrator shall take appropriate actions to
 10 safeguard information described by section 552(b) of
 11 title 5, United States Code, or protected from disclo-
 12 sure by any other law of the United States.

13 (d) UPDATES.—Not less frequently than semiannu-
 14 ally, the Administrator shall report to or brief the appro-
 15 priate committees of Congress on the vulnerabilities of and
 16 risks to surface and maritime transportation systems and
 17 how those vulnerabilities and risks affect the risk-based
 18 security strategy.

19 **SEC. 4. RISK-BASED BUDGETING AND RESOURCE ALLOCA-**
 20 **TION.**

21 (a) REPORT.—In conjunction with the submission of
 22 the Department's annual budget request to the Office of
 23 Management and Budget, the Administrator shall submit
 24 to the appropriate committees of Congress a report that
 25 describes a risk-based budget and resource allocation plan

1 for surface transportation sectors, within and across
2 modes, that—

3 (1) reflects the risk-based security strategy
4 under section 3(b); and

5 (2) is organized by appropriations account, pro-
6 gram, project, and initiative.

7 (b) BUDGET TRANSPARENCY.—In submitting the an-
8 nual budget of the United States Government under sec-
9 tion 1105 of title 31, United States Code, the President
10 shall clearly distinguish the resources requested for sur-
11 face and maritime transportation security from the re-
12 sources requested for aviation security.

13 (c) RESOURCE REALLOCATION.—

14 (1) IN GENERAL.—Not later than 15 days after
15 the date on which the Transportation Security Ad-
16 ministration allocates any resources or personnel, in-
17 cluding personnel sharing, detailing, or assignment,
18 or the use of facilities, technology systems, or vet-
19 ting resources, for a nontransportation security pur-
20 pose or National Special Security Event (as defined
21 in section 2001 of Homeland Security Act of 2002
22 (6 U.S.C. 601)), the Secretary shall provide the no-
23 tification described in paragraph (2) to the appro-
24 priate committees of Congress.

1 (2) NOTIFICATION.—A notification described in
2 this paragraph shall include—

3 (A) the reason for and a justification of
4 the resource or personnel allocation;

5 (B) the expected end date of the resource
6 or personnel allocation; and

7 (C) the projected cost to the Transpor-
8 tation Security Administration of the personnel
9 or resource allocation.

10 **SEC. 5. SURFACE AND MARITIME TRANSPORTATION SECU-**
11 **RITY MANAGEMENT AND INTERAGENCY CO-**
12 **ORDINATION REVIEW.**

13 (a) REVIEW.—Not later than 1 year after the date
14 of enactment of this Act, the Comptroller General of the
15 United States shall—

16 (1) review the staffing, budget, resource, and
17 personnel allocation, and management oversight
18 strategy of the Transportation Security Administra-
19 tion’s surface and maritime transportation security
20 programs;

21 (2) review the coordination between relevant en-
22 tities of leadership, planning, policy, inspections, and
23 implementation of security programs relating to sur-
24 face and maritime transportation to reduce redun-
25 dancy and regulatory burden; and

1 (3) submit to the appropriate committees of
2 Congress a report on the findings of the reviews
3 under paragraphs (1) and (2), including any rec-
4 ommendations for improving coordination between
5 relevant entities and reducing redundancy and regu-
6 latory burden.

7 (b) DEFINITION OF RELEVANT ENTITIES.—In this
8 section, the term “relevant entities” means—

- 9 (1) the Transportation Security Administration;
10 (2) the Coast Guard;
11 (3) other Federal, State, or local departments
12 or agencies with jurisdiction over a mode of surface
13 or maritime transportation;
14 (4) critical infrastructure entities;
15 (5) the Transportation Systems Sector Coordi-
16 nating Council; and
17 (6) relevant stakeholders.

18 **SEC. 6. TRANSPARENCY.**

19 (a) REGULATIONS.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this Act, and every
22 180 days thereafter, the Administrator shall publish
23 on a public website information regarding the status
24 of each regulation relating to surface transportation
25 security that is directed by law to be issued and that

1 has not been issued if not less than 2 years have
2 passed since the date of enactment of the law.

3 (2) CONTENTS.—The information published
4 under paragraph (1) shall include—

5 (A) an updated rulemaking schedule for
6 the outstanding regulation;

7 (B) current staff allocations;

8 (C) data collection or research relating to
9 the development of the rulemaking;

10 (D) current efforts, if any, with security
11 experts, advisory committees, and other stake-
12 holders; and

13 (E) other relevant details associated with
14 the development of the rulemaking that impact
15 the progress of the rulemaking.

16 (b) INSPECTOR GENERAL REVIEW.—Not later than
17 180 days after the date of enactment of this Act, and
18 every 2 years thereafter until all of the requirements under
19 titles XIII, XIV, and XV of the Implementing Rec-
20 ommendations of the 9/11 Commission Act of 2007 (6
21 U.S.C. 1111 et seq.) and under this Act have been fully
22 implemented, the Inspector General of the Department
23 shall submit to the appropriate committees of Congress
24 a report that—

1 (1) identifies the requirements under such titles
2 of that Act and under this Act that have not been
3 fully implemented;

4 (2) describes what, if any, additional action is
5 necessary; and

6 (3) includes recommendations regarding wheth-
7 er any of the requirements under such titles of that
8 Act or this Act should be amended or repealed.

9 **SEC. 7. TSA COUNTERTERRORISM ASSET DEPLOYMENT.**

10 (a) IN GENERAL.—If the Transportation Security
11 Administration deploys any counterterrorism personnel or
12 resource, such as explosive detection sweeps, random bag
13 inspections, or patrols by Visible Intermodal Prevention
14 and Response teams, to enhance security at a surface
15 transportation system or surface transportation facility for
16 a period of not less than 180 consecutive days, the Admin-
17 istrator shall provide sufficient notification to the system
18 or facility operator, as applicable, not less than 14 days
19 prior to terminating the deployment.

20 (b) EXCEPTION.—This section shall not apply if the
21 Administrator—

22 (1) determines there is an urgent security need
23 for the personnel or resource described in subsection
24 (a); and

1 (2) notifies the appropriate committees of Con-
2 gress of the determination under paragraph (1).

3 **SEC. 8. SURFACE TRANSPORTATION SECURITY ADVISORY**
4 **COMMITTEE.**

5 (a) IN GENERAL.—Subtitle A of title IV of the
6 Homeland Security Act of 2002 (6 U.S.C. 201 et seq.)
7 is amended by adding at the end the following:

8 **“SEC. 404. SURFACE TRANSPORTATION SECURITY ADVI-**
9 **SORY COMMITTEE.**

10 “(a) ESTABLISHMENT.—The Administrator of the
11 Transportation Security Administration (referred to in
12 this section as ‘Administrator’) shall establish within the
13 Transportation Security Administration the Surface
14 Transportation Security Advisory Committee (referred to
15 in this section as the ‘Advisory Committee’).

16 “(b) DUTIES.—

17 “(1) IN GENERAL.—The Advisory Committee
18 may advise, consult with, report to, and make rec-
19 ommendations to the Administrator on surface
20 transportation security matters, including the devel-
21 opment, refinement, and implementation of policies,
22 programs, initiatives, rulemakings, and security di-
23 rectives pertaining to surface transportation secu-
24 rity.

1 “(2) RISK-BASED SECURITY.—The Advisory
2 Committee shall consider risk-based security ap-
3 proaches in the performance of its duties.

4 “(c) MEMBERSHIP.—

5 “(1) COMPOSITION.—The Advisory Committee
6 shall be composed of—

7 “(A) voting members appointed by the Ad-
8 ministrators under paragraph (2); and

9 “(B) nonvoting members, serving in an ad-
10 visory capacity, who shall be designated by—

11 “(i) the Transportation Security Ad-
12 ministration;

13 “(ii) the Department of Transpor-
14 tation;

15 “(iii) the Coast Guard; and

16 “(iv) such other Federal department
17 or agency as the Administrator considers
18 appropriate.

19 “(2) APPOINTMENT.—The Administrator shall
20 appoint voting members from among stakeholders
21 representing each mode of surface transportation,
22 such as passenger rail, freight rail, mass transit,
23 pipelines, highways, over-the-road bus, and trucking,
24 including representatives from—

1 “(A) associations representing such modes
2 of surface transportation;

3 “(B) labor organizations representing such
4 modes of surface transportation;

5 “(C) groups representing the users of such
6 modes of surface transportation, including asset
7 manufacturers, as appropriate;

8 “(D) relevant law enforcement, first re-
9 sponders, and security experts; and

10 “(E) such other groups as the Adminis-
11 trator considers appropriate.

12 “(3) CHAIRPERSON.—The Advisory Committee
13 shall select a chairperson from among its voting
14 members.

15 “(4) TERM OF OFFICE.—

16 “(A) TERMS.—

17 “(i) IN GENERAL.—The term of each
18 voting member of the Advisory Committee
19 shall be 2 years, but a voting member may
20 continue to serve until the Administrator
21 appoints a successor.

22 “(ii) REAPPOINTMENT.—A voting
23 member of the Advisory Committee may be
24 reappointed.

25 “(B) REMOVAL.—

1 “(i) IN GENERAL.—The Administrator
2 may review the participation of a member
3 of the Advisory Committee and remove
4 such member for cause at any time.

5 “(ii) ACCESS TO INFORMATION.—The
6 Administrator may remove any member of
7 the Advisory Committee that the Adminis-
8 trator determines should be restricted from
9 reviewing, discussing, or possessing classi-
10 fied information or sensitive security infor-
11 mation.

12 “(5) PROHIBITION ON COMPENSATION.—The
13 members of the Advisory Committee shall not re-
14 ceive any compensation from the Government by
15 reason of their service on the Advisory Committee.

16 “(6) MEETINGS.—

17 “(A) IN GENERAL.—The Administrator
18 shall require the Advisory Committee to meet at
19 least semiannually in person or through web
20 conferencing and may convene additional meet-
21 ings as necessary.

22 “(B) PUBLIC MEETINGS.—At least one of
23 the meetings of the Advisory Committee each
24 year shall be—

1 “(i) announced in the Federal Reg-
 2 ister;

3 “(ii) announced on a public website;
 4 and

5 “(iii) open to the public.

6 “(C) ATTENDANCE.—The Advisory Com-
 7 mittee shall maintain a record of the persons
 8 present at each meeting.

9 “(D) MINUTES.—

10 “(i) IN GENERAL.—Unless otherwise
 11 prohibited by other Federal law, minutes
 12 of the meetings shall be published on the
 13 public website under subsection (e)(5).

14 “(ii) PROTECTION OF CLASSIFIED
 15 AND SENSITIVE INFORMATION.—The Advi-
 16 sory Committee may redact or summarize,
 17 as necessary, minutes of the meetings to
 18 protect classified or other sensitive infor-
 19 mation in accordance with law.

20 “(7) VOTING MEMBER ACCESS TO CLASSIFIED
 21 AND SENSITIVE SECURITY INFORMATION.—

22 “(A) DETERMINATIONS.—Not later than
 23 60 days after the date on which a voting mem-
 24 ber is appointed to the Advisory Committee and
 25 before that voting member may be granted any

1 access to classified information or sensitive se-
2 curity information, the Administrator shall de-
3 termine if the voting member should be re-
4 stricted from reviewing, discussing, or pos-
5 sessing classified information or sensitive secu-
6 rity information.

7 “(B) ACCESS.—

8 “(i) SENSITIVE SECURITY INFORMA-
9 TION.—If a voting member is not re-
10 stricted from reviewing, discussing, or pos-
11 sessing sensitive security information
12 under subparagraph (A) and voluntarily
13 signs a nondisclosure agreement, the vot-
14 ing member may be granted access to sen-
15 sitive security information that is relevant
16 to the voting member’s service on the Advi-
17 sory Committee.

18 “(ii) CLASSIFIED INFORMATION.—Ac-
19 cess to classified materials shall be man-
20 aged in accordance with Executive Order
21 13526 of December 29, 2009 (75 Fed.
22 Reg. 707), or any subsequent cor-
23 responding Executive order.

24 “(C) PROTECTIONS.—

1 “(i) SENSITIVE SECURITY INFORMA-
2 TION.—Voting members shall protect sen-
3 sitive security information in accordance
4 with part 1520 of title 49, Code of Federal
5 Regulations.

6 “(ii) CLASSIFIED INFORMATION.—
7 Voting members shall protect classified in-
8 formation in accordance with the applica-
9 ble requirements for the particular level of
10 classification.

11 “(8) JOINT COMMITTEE MEETINGS.—The Advi-
12 sory Committee may meet with one or more of the
13 following advisory committees to discuss multimodal
14 security issues and other security-related issues of
15 common concern:

16 “(A) Aviation Security Advisory Com-
17 mittee established under section 44946 of title
18 49, United States Code.

19 “(B) Maritime Security Advisory Com-
20 mittee established under section 70112 of title
21 46, United States Code.

22 “(C) Railroad Safety Advisory Committee
23 established by the Federal Railroad Administra-
24 tion.

1 “(9) SUBJECT MATTER EXPERTS.—The Advi-
2 sory Committee may request the assistance of sub-
3 ject matter experts with expertise related to the ju-
4 risdiction of the Advisory Committee.

5 “(d) REPORTS.—

6 “(1) PERIODIC REPORTS.—The Advisory Com-
7 mittee shall periodically submit reports to the Ad-
8 ministrator on matters requested by the Adminis-
9 trator or by a majority of the members of the Advi-
10 sory Committee.

11 “(2) ANNUAL REPORT.—

12 “(A) SUBMISSION.—The Advisory Com-
13 mittee shall submit to the Administrator and
14 the appropriate congressional committees an
15 annual report that provides information on the
16 activities, findings, and recommendations of the
17 Advisory Committee during the preceding year.

18 “(B) PUBLICATION.—Not later than 6
19 months after the date that the Administrator
20 receives an annual report under subparagraph
21 (A), the Administrator shall publish a public
22 version of the report, in accordance with section
23 552a(b) of title 5, United States Code.

24 “(e) ADMINISTRATION RESPONSE.—

1 “(1) CONSIDERATION.—The Administrator
2 shall consider the information, advice, and rec-
3 ommendations of the Advisory Committee in formu-
4 lating policies, programs, initiatives, rulemakings,
5 and security directives pertaining to surface trans-
6 portation security and to the support of maritime
7 transportation security efforts.

8 “(2) FEEDBACK.—Not later than 90 days after
9 the date that the Administrator receives a rec-
10 ommendation from the Advisory Committee under
11 subsection (d)(2), the Administrator shall submit to
12 the Advisory Committee written feedback on the rec-
13 ommendation, including—

14 “(A) if the Administrator agrees with the
15 recommendation, a plan describing the actions
16 that the Administrator has taken, will take, or
17 recommends that the head of another Federal
18 department or agency take to implement the
19 recommendation; or

20 “(B) if the Administrator disagrees with
21 the recommendation, a justification for that de-
22 termination.

23 “(3) NOTICES.—Not later than 30 days after
24 the date the Administrator submits feedback under
25 paragraph (2), the Administrator shall—

1 “(A) notify the appropriate congressional
2 committees of the feedback, including the deter-
3 mination under subparagraph (A) or subpara-
4 graph (B) of that paragraph, as applicable; and

5 “(B) provide the appropriate congressional
6 committees with a briefing upon request.

7 “(4) UPDATES.—Not later than 90 days after
8 the date the Administrator receives a recommenda-
9 tion from the Advisory Committee under subsection
10 (d)(2) that the Administrator agrees with, and quar-
11 terly thereafter until the recommendation is fully im-
12 plemented, the Administrator shall submit a report
13 to the appropriate congressional committees or post
14 on the public website under paragraph (5) an update
15 on the status of the recommendation.

16 “(5) WEBSITE.—The Administrator shall main-
17 tain a public website that—

18 “(A) lists the members of the Advisory
19 Committee; and

20 “(B) provides the contact information for
21 the Advisory Committee.

22 “(f) NONAPPLICABILITY OF FACA.—The Federal
23 Advisory Committee Act (5 U.S.C. App.) shall not apply
24 to the Advisory Committee or any subcommittee estab-
25 lished under this section.”.

1 (b) ADVISORY COMMITTEE MEMBERS.—

2 (1) VOTING MEMBERS.—Not later than 180
3 days after the date of enactment of this Act, the Ad-
4 ministrator shall appoint the voting members of the
5 Surface Transportation Security Advisory Com-
6 mittee established under section 404 of the Home-
7 land Security Act of 2002, as added by subsection
8 (a) of this section.

9 (2) NONVOTING MEMBERS.—Not later than 90
10 days after the date of enactment of this Act, each
11 Federal Government department and agency with
12 regulatory authority over a mode of surface or mari-
13 time transportation, as the Administrator considers
14 appropriate, shall designate an appropriate rep-
15 resentative to serve as a nonvoting member of the
16 Surface Transportation Security Advisory Com-
17 mittee.

18 (c) TABLE OF CONTENTS.—The table of contents in
19 section 1(b) of the Homeland Security Act of 2002 (Public
20 Law 107–296; 116 Stat. 2135) is amended by inserting
21 after the item relating to section 403 the following:

“Sec. 404. Surface Transportation Security Advisory Committee.”.

22 **SEC. 9. REVIEW OF THE EXPLOSIVES DETECTION CANINE**
23 **TEAM PROGRAM.**

24 (a) IN GENERAL.—Not later than 90 days after the
25 date that the Inspector General of the Department re-

1 ceives the report under section 3(c), the Inspector General
2 of the Department shall—

3 (1) review the explosives detection canine team
4 program, including—

5 (A) the development by the Transportation
6 Security Administration of a deployment strat-
7 egy for explosives detection canine teams;

8 (B) the national explosives detection canine
9 team training program, including canine train-
10 ing, handler training, refresher training, and
11 updates to such training; and

12 (C) the use of the canine assets during an
13 urgent security need, including the reallocation
14 of such program resources outside the transpor-
15 tation systems sector during an urgent security
16 need; and

17 (2) submit to the appropriate committees of
18 Congress a report on the review, including any rec-
19 ommendations.

20 (b) CONSIDERATIONS.—In conducting the review of
21 the deployment strategy under subsection (a)(1)(A), the
22 Inspector General shall consider whether the Transpor-
23 tation Security Administration’s method to analyze the
24 risk to transportation facilities and transportation systems
25 is appropriate.

1 **SEC. 10. EXPANSION OF NATIONAL EXPLOSIVES DETEC-**
2 **TION CANINE TEAM PROGRAM.**

3 (a) IN GENERAL.—The Secretary, where appropriate,
4 shall encourage State, local, and tribal governments and
5 private owners of high-risk transportation facilities to
6 strengthen security through the use of explosives detection
7 canine teams.

8 (b) INCREASED CAPACITY.—

9 (1) IN GENERAL.—Before the date the Inspec-
10 tor General of the Department submits the report
11 under section 9, the Administrator may increase the
12 number of State and local surface and maritime
13 transportation canines by not more than 70 explo-
14 sives detection canine teams.

15 (2) ADDITIONAL TEAMS.—Beginning on the
16 date the Inspector General of the Department sub-
17 mits the report under section 9, the Secretary may
18 increase the State and local surface and maritime
19 transportation canines up to 200 explosives detection
20 canine teams unless more are identified in the risk-
21 based security strategy under section 3, consistent
22 with section 4 or with the President's most recent
23 budget submitted under section 1105 of title 31,
24 United States Code.

25 (3) RECOMMENDATIONS.—Before initiating any
26 increase in the number of explosives detection teams

1 under paragraph (2), the Secretary shall consider
2 any recommendations in the report under section 9
3 on the efficacy and management of the explosives
4 detection canine program.

5 (c) DEPLOYMENT.—The Secretary shall—

6 (1) use the additional explosives detection ca-
7 nine teams, as described in subsection (b)(1), as
8 part of the Department’s efforts to strengthen secu-
9 rity across the Nation’s surface and maritime trans-
10 portation networks;

11 (2) make available explosives detection canine
12 teams to all modes of transportation, subject to the
13 requirements under section 7, to address specific
14 vulnerabilities or risks, on an as-needed basis and as
15 otherwise determined appropriate by the Secretary;
16 and

17 (3) consider specific needs and training require-
18 ments for explosives detection canine teams to be de-
19 ployed across the Nation’s surface and maritime
20 transportation networks, including in venues of mul-
21 tiple modes of transportation, as the Secretary con-
22 siders appropriate.

23 (d) AUTHORIZATION.—There are authorized to be ap-
24 propriated to the Secretary such sums as may be nec-

1 essary to carry out this section for each of fiscal years
 2 2018 through 2021.

3 **SEC. 11. EXPLOSIVE DETECTION TECHNOLOGY.**

4 The Secretary, in coordination with the Director of
 5 the National Institute of Standards and Technology and
 6 the head of each relevant Federal department or agency
 7 researching explosive detection systems, shall research and
 8 facilitate next generation technologies to detect explosives
 9 in transportation systems and transportation facilities.

10 **SEC. 12. STUDY ON SECURITY STANDARDS AND BEST PRACTICES FOR PASSENGER TRANSPORTATION SYSTEMS.**

13 (a) SECURITY STANDARDS AND BEST PRACTICES
 14 FOR UNITED STATES AND FOREIGN PASSENGER TRANS-
 15 PORTATION SYSTEMS.—The Comptroller General of the
 16 United States shall conduct a study of how the Transpor-
 17 tation Security Administration—

18 (1) identifies and compares—

19 (A) United States and foreign passenger
 20 transportation security standards; and

21 (B) best practices for protecting passenger
 22 transportation systems, including shared ter-
 23 minal facilities, and cyber systems; and

24 (2) disseminates the findings under paragraph

25 (1) to stakeholders.

1 (b) REPORT.—Not later than 18 months after the
 2 date of enactment of this Act, the Comptroller General
 3 shall issue a report that contains—

4 (1) the findings of the study conducted under
 5 subsection (a); and

6 (2) any recommendations for improving the rel-
 7 evant processes or procedures.

8 **SEC. 13. AMTRAK SECURITY UPGRADES.**

9 (a) RAILROAD SECURITY ASSISTANCE.—Section
 10 1513(b) of the Implementing Recommendations of the 9/
 11 11 Commission Act of 2007 (6 U.S.C. 1163(b)) is amend-
 12 ed—

13 (1) in paragraph (1), by striking the period at
 14 the end and inserting “, including communications
 15 interoperability where appropriate with relevant out-
 16 side agencies and entities.”;

17 (2) in paragraph (5), by striking “security of”
 18 and inserting “security and preparedness of”;

19 (3) in paragraph (7), by striking “security
 20 threats” and inserting “security threats and pre-
 21 paredness, including connectivity to the National
 22 Terrorist Screening Center”; and

23 (4) in paragraph (9), by striking “and security
 24 officers” and inserting “, security, and preparedness
 25 officers”.

1 (b) SPECIFIC PROJECTS.—Section 1514(a)(3) of the
 2 Implementing Recommendations of the 9/11 Commission
 3 Act of 2007 (6 U.S.C. 1164(a)(3)) is amended—

4 (1) in subparagraph (D) by inserting “, or to
 5 connect to the National Terrorism Screening Center
 6 watchlist” after “Secretary”;

7 (2) in subparagraph (G), by striking “; and” at
 8 the end and inserting a semicolon;

9 (3) in subparagraph (H) by striking the period
 10 at the end and inserting a semicolon; and

11 (4) by adding at the end the following:

12 “(I) for improvements to passenger
 13 verification systems;

14 “(J) for improvements to employee and
 15 contractor verification systems, including iden-
 16 tity verification technology; or

17 “(K) for improvements to the security of
 18 Amtrak computer systems, including cybersecu-
 19 rity assessments and programs.”.

20 **SEC. 14. PASSENGER RAIL VETTING.**

21 (a) IN GENERAL.—Not later than 180 days after the
 22 date on which the Amtrak Board of Directors submits a
 23 request to the Administrator, the Administrator shall
 24 issue a decision on the use by Amtrak of the Transpor-
 25 tation Security Administration’s Secure Flight Program

1 or a similar passenger vetting system to enhance pas-
2 senger rail security.

3 (b) STRATEGIC PLAN.—If the Administrator decides
4 to grant the request by Amtrak under subsection (a), the
5 decision shall include a strategic plan for working with rail
6 stakeholders to enhance passenger rail security by vetting
7 passengers using terrorist watch lists maintained by the
8 Federal Government or a similar passenger vetting system
9 maintained by the Transportation Security Administra-
10 tion.

11 (c) NOTICES.—The Administrator shall notify the ap-
12 propriate committees of Congress of any decision made
13 under subsection (a) and the details of the strategic plan
14 under subsection (b).

15 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to limit the Administrator’s au-
17 thority to set the access to, or terms and conditions of
18 using, the Secure Flight Program or a similar passenger
19 vetting system.

20 **SEC. 15. STUDY ON SURFACE TRANSPORTATION INSPEC-**
21 **TORS.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Comptroller General of the United States
24 shall submit to the appropriate committees of Congress
25 a report that—

1 (1) identifies the roles and responsibilities of
2 surface transportation security inspectors authorized
3 under section 1304 of the Implementing Rec-
4 ommendations of the 9/11 Commission Act of 2007
5 (6 U.S.C. 1113);

6 (2) determines whether surface transportation
7 security inspectors—

8 (A) have appropriate qualifications to help
9 secure and inspect surface transportation sys-
10 tems; and

11 (B) have adequate experience and training
12 to perform the responsibilities identified under
13 paragraph (1);

14 (3) evaluates feedback from surface transpor-
15 tation industry stakeholders on the effectiveness of
16 surface transportation security inspectors and in-
17 spection programs to the overall security of the sur-
18 face transportation systems of such stakeholders;

19 (4) evaluates the consistency of surface trans-
20 portation inspections, recommendations, and regu-
21 latory enforcement, where applicable;

22 (5) identifies any duplication or redundancy be-
23 tween the Transportation Security Administration
24 and the Department of Transportation relating to

1 surface transportation security inspections or over-
2 sight; and

3 (6) provides recommendations, if any, relating
4 to—

5 (A) improvements to the surface transpor-
6 tation security inspectors program, including—

7 (i) changes in organizational and su-
8 pervisory structures;

9 (ii) coordination procedures to en-
10 hance consistency; and

11 (iii) effectiveness in inspection and
12 compliance activities; and

13 (B) whether each transportation mode
14 needs inspectors trained and qualified for that
15 specific mode.

16 **SEC. 16. SECURITY AWARENESS PROGRAM.**

17 (a) ESTABLISHMENT.—The Administrator shall es-
18 tablish a program to promote surface transportation secu-
19 rity through the training of surface transportation opera-
20 tors and frontline employees on each of the skills identified
21 in subsection (c).

22 (b) APPLICATION.—The program established under
23 subsection (a) shall apply to all modes of surface transpor-
24 tation, including public transportation, rail, highway,
25 motor carrier, and pipeline.

1 (c) TRAINING.—The program established under sub-
2 section (a) shall cover, at a minimum, the skills necessary
3 to recognize, assess, and respond to suspicious items or
4 actions that could indicate a threat to transportation.

5 (d) ASSESSMENT.—

6 (1) IN GENERAL.—The Administrator shall con-
7 duct an assessment of current training programs for
8 surface transportation operators and frontline em-
9 ployees.

10 (2) CONTENTS.—The assessment shall iden-
11 tify—

12 (A) whether other training is being pro-
13 vided, either voluntarily or in response to other
14 Federal requirements; and

15 (B) whether there are any gaps in existing
16 training.

17 (e) UPDATES.—The Administrator shall ensure the
18 program established under subsection (a) is updated as
19 necessary to address changes in risk and terrorist methods
20 and to close any gaps identified in the assessment under
21 subsection (d).

22 (f) SUSPICIOUS ACTIVITY REPORTING.—

23 (1) IN GENERAL.—The Administrator shall
24 maintain a national telephone number for an indi-

1 vidual to use to report suspicious activity under this
2 section to the Administration.

3 (2) PROCEDURES.—The Administrator shall es-
4 tablish procedures for the Administration—

5 (A) to review and followup, as necessary,
6 on each report received under paragraph (1);
7 and

8 (B) to share, as necessary and in accord-
9 ance with law, the report with appropriate Fed-
10 eral, State, local, and tribal entities.

11 (3) RULE OF CONSTRUCTION.—Nothing in this
12 section may be construed to replace or affect in any
13 way the use of 9–1–1 services in an emergency.

14 (g) DEFINITION OF FRONTLINE EMPLOYEE.—In this
15 section, the term “frontline employee” includes—

16 (1) an employee of a public transportation
17 agency who is a transit vehicle driver or operator,
18 dispatcher, maintenance and maintenance support
19 employee, station attendant, customer service em-
20 ployee, security employee, or transit police, or any
21 other employee who has direct contact with riders on
22 a regular basis, and any other employee of a public
23 transportation agency that the Administrator deter-
24 mines should receive security training under this

1 section or that is receiving security training under
2 other law;

3 (2) over-the-road bus drivers, security per-
4 sonnel, dispatchers, maintenance and maintenance
5 support personnel, ticket agents, other terminal em-
6 ployees, and other employees of an over-the-road bus
7 operator or terminal owner or operator that the Ad-
8 ministrator determines should receive security train-
9 ing under this section or that is receiving security
10 training under other law; or

11 (3) security personnel, dispatchers, locomotive
12 engineers, conductors, trainmen, other onboard em-
13 ployees, maintenance and maintenance support per-
14 sonnel, bridge tenders, and any other employees of
15 railroad carriers that the Administrator determines
16 should receive security training under this section or
17 that is receiving security training under other law.

18 **SEC. 17. VOLUNTARY USE OF CREDENTIALING.**

19 (a) IN GENERAL.—An individual who is subject to
20 credentialing or a background investigation may satisfy
21 that requirement by obtaining a valid transportation secu-
22 rity card issued under section 70105 of title 46, United
23 States Code.

24 (b) ISSUANCE OF CARDS.—The Secretary of Home-
25 land Security—

1 (1) shall expand the transportation security
2 card program, consistent with section 70105 of title
3 46, United States Code, to allow an individual who
4 is subject to credentialing or a background investiga-
5 tion to apply for a transportation security card; and

6 (2) may charge reasonable fees, in accordance
7 with section 520(a) of the Department of Homeland
8 Security Appropriations Act, 2004 (6 U.S.C.
9 469(a)), for providing the necessary credentialing
10 and background investigation.

11 (c) DEFINITION.—In this section, the term “indi-
12 vidual who is subject to credentialing or a background in-
13 vestigation” means an individual who—

14 (1) because of employment is regulated by the
15 Transportation Security Administration, Department
16 of Transportation, or Coast Guard and is required
17 to have a background records check to obtain a haz-
18 ardous materials endorsement on a commercial driv-
19 er’s license issued by a State under section 5103a of
20 title 49, United States Code; or

21 (2) is required to have a credential and back-
22 ground records check under section 2102(d)(2) of
23 the Homeland Security Act of 2002 (6 U.S.C.
24 622(d)(2)) at a facility with activities that are regu-

1 lated by the Transportation Security Administration,
2 Department of Transportation, or Coast Guard.

3 **SEC. 18. BACKGROUND RECORDS CHECKS FOR ISSUANCE**
4 **OF HAZMAT LICENSES.**

5 Section 5103a(d) of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(3) TRANSPORTATION SECURITY CARDS.—An
8 individual who holds a valid transportation security
9 card issued by the Secretary of the department in
10 which the Coast Guard is operating under section
11 70105 of title 46 shall be deemed to have met the
12 background records check required under this sub-
13 section.”.

14 **SEC. 19. CARGO CONTAINER SCANNING TECHNOLOGY RE-**
15 **VIEW.**

16 (a) DESIGNATIONS.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this Act, and not less fre-
19 quently than once every 5 years thereafter until the
20 date of full-scale implementation of 100 percent
21 screening of cargo containers and 100 percent scan-
22 ning of high-risk containers required under section
23 232 of the SAFE Port Act (6 U.S.C. 982), the Sec-
24 retary shall solicit proposals for scanning tech-
25 nologies, consistent with the standards under sub-

1 section (b)(8) of that section, to improve scanning of
2 cargo at domestic ports.

3 (2) EVALUATION.—In soliciting proposals under
4 paragraph (1), the Secretary shall establish meas-
5 ures to assess the performance of the proposed scan-
6 ning technologies, including—

7 (A) the rate of false positives;

8 (B) the delays in processing times; and

9 (C) the impact on the supply chain.

10 (b) PILOT PROGRAM.—

11 (1) ESTABLISHMENT.—The Secretary may es-
12 tablish a pilot program to determine the efficacy of
13 a scanning technology referred to in subsection (a).

14 (2) APPLICATION PROCESS.—In carrying out
15 the pilot program under this subsection, the Sec-
16 retary shall—

17 (A) solicit applications from domestic
18 ports;

19 (B) select up to 4 domestic ports to par-
20 ticipate in the pilot program; and

21 (C) select ports with unique features and
22 differing levels of trade volume.

23 (3) REPORT.—Not later than 1 year after initi-
24 ating a pilot program under paragraph (1), the Sec-

1 retary shall submit to the appropriate committees of
2 Congress a report on the pilot program, including—

3 (A) an evaluation of the scanning tech-
4 nologies proposed to improve security at domes-
5 tic ports and to meet the full-scale implementa-
6 tion requirement;

7 (B) the costs to implement a pilot pro-
8 gram;

9 (C) the benefits of the proposed scanning
10 technologies;

11 (D) the impact of the pilot program on the
12 supply chain; and

13 (E) recommendations for implementation
14 of advanced cargo scanning technologies at do-
15 mestic ports.

16 (4) SHARING PILOT PROGRAM TESTING RE-
17 SULTS.—The results of the pilot testing of advanced
18 cargo scanning technologies shall be shared, as ap-
19 propriate, with government agencies and private
20 stakeholders whose responsibilities encompass the se-
21 cure transport of cargo.

1 **SEC. 20. REPEAL OF BIENNIAL REPORTING REQUIREMENT**
 2 **FOR THE GOVERNMENT ACCOUNTABILITY**
 3 **OFFICE RELATING TO THE TRANSPORTATION**
 4 **SECURITY INFORMATION SHARING PLAN.**

5 (a) IN GENERAL.—Section 114 of title 49, United
 6 States Code, is amended—

7 (1) by redesignating subsections (u), (v), and
 8 (w) as subsections (t), (u), and (v), respectively; and

9 (2) in subsection (t), as redesignated—

10 (A) in paragraph (1)(A), by striking “sub-
 11 section (t)” and inserting “subsection (s)”;

12 (B) by striking paragraph (7); and

13 (C) by redesignating paragraphs (8) and
 14 (9) as paragraphs (7) and (8), respectively.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) TRANSPORTATION SECURITY STRATEGIC
 17 PLANNING.—Section 114(s)(3)(B) of title 49, United
 18 States Code, is amended by striking “2007” and in-
 19 serting “2007”).

20 (2) CONGRESSIONAL OVERSIGHT OF SECURITY
 21 ASSURANCE FOR PUBLIC AND PRIVATE STAKE-
 22 HOLDERS.—Section 1203(b)(1)(B) of the Imple-
 23 menting Recommendations of the 9/11 Commission
 24 Act of 2007 (49 U.S.C. 114 note) is amended by
 25 striking “, under section 114(u)(7) of title 49,

- 1 United States Code, as added by this section, or oth-
- 2 erwise,”.

