

Calendar No. 251

115TH CONGRESS
1ST SESSION**S. 763****[Report No. 115–178]**

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, Mr. BOOKER, Mr. WICKER, Mr. BLUNT, Ms. CANTWELL, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

OCTOBER 25, 2017

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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 the5 ~~“Surface and Maritime Transportation Security Act”.~~

1 (b) **TABLE OF CONTENTS.**—The table of contents of
 2 this Act is as follows:

- See. 1. Short title; table of contents.
- See. 2. Definitions.
- See. 3. Surface and maritime transportation security assessment and implementation of risk-based strategy.
- See. 4. Risk-based budgeting and resource allocation.
- See. 5. Surface and maritime transportation security management and inter-agency coordination review.
- See. 6. Transparency.
- See. 7. TSA counterterrorism asset deployment.
- See. 8. Surface Transportation Security Advisory Committee.
- See. 9. Review of the explosives detection canine team program.
- See. 10. Expansion of national explosives detection canine team program.
- See. 11. Explosive detection technology.
- See. 12. Study on security standards and best practices for passenger transportation systems.
- See. 13. Amtrak security upgrades.
- See. 14. Passenger rail vetting.
- See. 15. Study on surface transportation inspectors.
- See. 16. Security awareness program.
- See. 17. Voluntary use of credentialing.
- See. 18. Background records checks for issuance of hazmat licenses.
- See. 19. Cargo container scanning technology review.
- See. 20. Repeal of biennial reporting requirement for the Government Accountability Office relating to the Transportation Security Information sharing plan.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

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

11 (A) the Committee on Commerce, Science,
 12 and Transportation of the Senate;

13 (B) the Committee on Homeland Security
 14 of the House of Representatives; and

1 (C) the Committee on Transportation and
2 Infrastructure of the House of Representatives.

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

5 (4) EXPLOSIVES DETECTION CANINE TEAM.—
6 The term “explosives detection canine team” means
7 a canine and a canine handler that are trained to
8 detect explosives and other threats as defined by the
9 Secretary.

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

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

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

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

21 **SEC. 3. SURFACE AND MARITIME TRANSPORTATION SECU-**
22 **RITY ASSESSMENT AND IMPLEMENTATION**
23 **OF RISK-BASED STRATEGY.**

24 (a) SECURITY ASSESSMENT.—

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

4 (A) the vulnerabilities of and risks to sur-
5 face transportation systems; and

6 (B) in coordination with the Commandant
7 of the Coast Guard, the vulnerabilities of and
8 risks to maritime transportation systems.

9 (2) ~~CONSIDERATIONS.~~—In conducting the secu-
10 rity assessment under paragraph (1), the Adminis-
11 trator shall, at a minimum—

12 (A) consider appropriate intelligence;

13 (B) consider security breaches and attacks
14 at domestic and international transportation fa-
15 cilities;

16 (C) consider the vulnerabilities and risks
17 associated with specific modes of surface trans-
18 portation;

19 (D) evaluate the vetting and security train-
20 ing of—

21 (i) employees in surface transpor-
22 tation;

23 (ii) employees in maritime transpor-
24 tation; and

1 (iii) other individuals with access to
2 sensitive or secure areas of transportation
3 networks; and

4 ~~(E)~~ consider input from—

5 (i) representatives of different modes
6 of surface transportation;

7 (ii) subject to paragraph ~~(3)~~—

8 (I) representatives of maritime
9 transportation;

10 (II) critical infrastructure enti-
11 ties; and

12 (III) the Transportation Systems
13 Sector Coordinating Council;

14 (iii) the Commandant of the Coast
15 Guard; and

16 (iv) the heads of other relevant Fed-
17 eral departments or agencies.

18 ~~(3) MARITIME FACILITIES.—~~The Commandant
19 of the Coast Guard shall coordinate with the Admin-
20 istrator to provide input and other information re-
21 garding the vulnerabilities of and risks to maritime
22 facilities.

23 ~~(b) RISK-BASED SECURITY STRATEGY.—~~

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 use
2 the results of the assessment—

3 (A) to develop and implement a cross-cut-
4 ting, risk-based security strategy that in-
5 eludes—

6 (i) all surface transportation modes;

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

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

14 (iv) a planning process to inform re-
15 source allocation;

16 (v) priorities, milestones, and per-
17 formance metrics to measure the effective-
18 ness of the risk-based security strategy;
19 and

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

23 (B) to develop a management oversight
24 strategy that—

1 (i) identifies the parties responsible
2 for the implementation, management, and
3 oversight of the risk-based security strat-
4 egy; and

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

7 (C) to modify the risk-based budget and
8 resource allocations, in accordance with section
9 4(e), for the Transportation Security Adminis-
10 tration.

11 (2) COORDINATED APPROACH.—In developing
12 and implementing the risk-based security strategy
13 under paragraph (1), the Administrator shall—

14 (A) coordinate with the heads of other rel-
15 evant Federal departments or agencies, and
16 stakeholders, as appropriate—

17 (i) to evaluate existing surface trans-
18 portation security programs, policies, and
19 initiatives, including the explosives detec-
20 tion canine teams, for consistency with the
21 risk-based security strategy and, to the ex-
22 tent practicable, avoid any unnecessary du-
23 plication of effort;

24 (ii) to determine the extent to which
25 stakeholder security programs, policies,

1 and initiatives address the vulnerabilities
2 and risks to surface transportation systems
3 identified in subsection (a); and

4 (iii) subject to clause (ii), to mitigate
5 each vulnerability and risk to surface
6 transportation systems identified in sub-
7 section (a); and

8 (B) coordinate with the Commandant of
9 the Coast Guard—

10 (i) to evaluate existing maritime
11 transportation security programs, policies,
12 and initiatives for consistency with the
13 risk-based security strategy and, to the ex-
14 tent practicable, avoid any unnecessary du-
15 plication of effort;

16 (ii) to ensure there are no security
17 gaps between jurisdictional authorities that
18 a threat can exploit to cause harm;

19 (iii) to determine the extent to which
20 stakeholder security programs, policies,
21 and initiatives address the vulnerabilities
22 and risks to maritime transportation sys-
23 tems identified in subsection (a); and

24 (iv) subject to clauses (ii) and (iii), to
25 mitigate each vulnerability and risk to

1 maritime transportation systems identified
2 in subsection (a).

3 ~~(c) REPORT.—~~

4 ~~(1) IN GENERAL.—~~Not later than 180 days
5 after the date the security assessment under sub-
6 section (a) is complete, the Administrator shall sub-
7 mit to the appropriate committees of Congress and
8 the Inspector General of the Department a report
9 that—

10 ~~(A)~~ describes the process used to complete
11 the security assessment;

12 ~~(B)~~ describes the process used to develop
13 the risk-based security strategy;

14 ~~(C)~~ describes the risk-based security strat-
15 egy;

16 ~~(D)~~ includes the management oversight
17 strategy;

18 ~~(E)~~ includes—

19 (i) the findings of the security assess-
20 ment;

21 (ii) a description of the actions rec-
22 ommended or taken by the Administrator,
23 the Commandant of the Coast Guard, or
24 the head of another Federal department or

1 agency to mitigate the vulnerabilities and
2 risks identified in subsection (a);

3 (iii) any recommendations for improv-
4 ing the coordinated approach to mitigating
5 vulnerabilities and risks to surface and
6 maritime transportation systems; and

7 (iv) any recommended changes to the
8 National Infrastructure Protection Plan,
9 the modal annexes to such plan, or rel-
10 evant surface or maritime transportation
11 security programs, policies, or initiatives;
12 and

13 (F) may contain a classified annex.

14 (2) PROTECTIONS.—In preparing the report,
15 the Administrator shall take appropriate actions to
16 safeguard information described by section 552(b) of
17 title 5, United States Code, or protected from disclo-
18 sure by any other law of the United States.

19 (d) UPDATES.—Not less frequently than semiannu-
20 ally, the Administrator shall report to or brief the appro-
21 priate committees of Congress on the vulnerabilities of and
22 risks to surface and maritime transportation systems and
23 how those vulnerabilities and risks affect the risk-based
24 security strategy.

1 **SEC. 4. RISK-BASED BUDGETING AND RESOURCE ALLOCA-**
2 **TION.**

3 (a) **REPORT.**—In conjunction with the submission of
4 the Department’s annual budget request to the Office of
5 Management and Budget, the Administrator shall submit
6 to the appropriate committees of Congress a report that
7 describes a risk-based budget and resource allocation plan
8 for surface transportation sectors, within and across
9 modes, that—

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

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

14 (b) **BUDGET TRANSPARENCY.**—In submitting the an-
15 nual budget of the United States Government under sec-
16 tion 1105 of title 31, United States Code, the President
17 shall clearly distinguish the resources requested for sur-
18 face and maritime transportation security from the re-
19 sources requested for aviation security.

20 (c) **RESOURCE REALLOCATION.**—

21 (1) **IN GENERAL.**—Not later than 15 days after
22 the date on which the Transportation Security Ad-
23 ministration allocates any resources or personnel, in-
24 cluding personnel sharing, detailing, or assignment,
25 or the use of facilities, technology systems, or vet-
26 ting resources, for a nontransportation security pur-

1 pose or National Special Security Event (as defined
2 in section 2001 of Homeland Security Act of 2002
3 (6 U.S.C. 601)); the Secretary shall provide the no-
4 tification described in paragraph (2) to the appro-
5 priate committees of Congress.

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

8 (A) the reason for and a justification of
9 the resource or personnel allocation;

10 (B) the expected end date of the resource
11 or personnel allocation; and

12 (C) the projected cost to the Transpor-
13 tation Security Administration of the personnel
14 or resource allocation.

15 **SEC. 5. SURFACE AND MARITIME TRANSPORTATION SECU-**
16 **RITY MANAGEMENT AND INTERAGENCY CO-**
17 **ORDINATION REVIEW.**

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

21 (1) review the staffing, budget, resource, and
22 personnel allocation, and management oversight
23 strategy of the Transportation Security Administra-
24 tion's surface and maritime transportation security
25 programs;

1 (2) review the coordination between relevant en-
 2 tities of leadership, planning, policy, inspections, and
 3 implementation of security programs relating to sur-
 4 face and maritime transportation to reduce redun-
 5 dancy and regulatory burden; and

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

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

14 (1) the Transportation Security Administration;

15 (2) the Coast Guard;

16 (3) other Federal, State, or local departments
 17 or agencies with jurisdiction over a mode of surface
 18 or maritime transportation;

19 (4) critical infrastructure entities;

20 (5) the Transportation Systems Sector Coordi-
 21 nating Council; and

22 (6) relevant stakeholders.

23 **SEC. 6. TRANSPARENCY.**

24 (a) **REGULATIONS.**—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, and every
3 180 days thereafter, the Administrator shall publish
4 on a public website information regarding the status
5 of each regulation relating to surface transportation
6 security that is directed by law to be issued and that
7 has not been issued if not less than 2 years have
8 passed since the date of enactment of the law.

9 (2) CONTENTS.—The information published
10 under paragraph (1) shall include—

11 (A) an updated rulemaking schedule for
12 the outstanding regulation;

13 (B) current staff allocations;

14 (C) data collection or research relating to
15 the development of the rulemaking;

16 (D) current efforts, if any, with security
17 experts, advisory committees, and other stake-
18 holders; and

19 (E) other relevant details associated with
20 the development of the rulemaking that impact
21 the progress of the rulemaking.

22 (b) INSPECTOR GENERAL REVIEW.—Not later than
23 180 days after the date of enactment of this Act, and
24 every 2 years thereafter until all of the requirements under
25 titles XIII, XIV, and XV of the Implementing Rec-

1 ommendations of the 9/11 Commission Act of 2007 (6
2 U.S.C. 1111 et seq.) and under this Act have been fully
3 implemented, the Inspector General of the Department
4 shall submit to the appropriate committees of Congress
5 a report that—

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

9 (2) describes what, if any, additional action is
10 necessary; and

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

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

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

1 (b) ~~EXCEPTION.~~—This section shall not apply if the
2 Administrator—

3 (1) determines there is an urgent security need
4 for the personnel or resource described in subsection
5 (a); and

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

8 **SEC. 8. SURFACE TRANSPORTATION SECURITY ADVISORY**
9 **COMMITTEE.**

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

13 **“SEC. 404. SURFACE TRANSPORTATION SECURITY ADVI-**
14 **SORY COMMITTEE.**

15 “(a) ~~ESTABLISHMENT.~~—The Administrator of the
16 Transportation Security Administration (referred to in
17 this section as ‘Administrator’) shall establish within the
18 Transportation Security Administration the Surface
19 Transportation Security Advisory Committee (referred to
20 in this section as the ‘Advisory Committee’).

21 “(b) ~~DUTIES.~~—

22 “(1) ~~IN GENERAL.~~—The Advisory Committee
23 may advise, consult with, report to, and make rec-
24 ommendations to the Administrator on surface
25 transportation security matters, including the devel-

1 opment, refinement, and implementation of policies,
2 programs, initiatives, rulemakings, and security di-
3 rectives pertaining to surface transportation secu-
4 rity.

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

8 “(c) MEMBERSHIP.—

9 “(1) COMPOSITION.—The Advisory Committee
10 shall be composed of—

11 “(A) voting members appointed by the Ad-
12 ministrator under paragraph (2); and

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

15 “(i) the Transportation Security Ad-
16 ministration;

17 “(ii) the Department of Transpor-
18 tation;

19 “(iii) the Coast Guard; and

20 “(iv) such other Federal department
21 or agency as the Administrator considers
22 appropriate.

23 “(2) APPOINTMENT.—The Administrator shall
24 appoint voting members from among stakeholders
25 representing each mode of surface transportation;

1 such as passenger rail, freight rail, mass transit,
2 pipelines, highways, over-the-road bus, and trucking,
3 including representatives from—

4 “(A) associations representing such modes
5 of surface transportation;

6 “(B) labor organizations representing such
7 modes of surface transportation;

8 “(C) groups representing the users of such
9 modes of surface transportation, including asset
10 manufacturers, as appropriate;

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

13 “(E) such other groups as the Adminis-
14 trator considers appropriate.

15 “(3) CHAIRPERSON.—The Advisory Committee
16 shall select a chairperson from among its voting
17 members.

18 “(4) TERM OF OFFICE.—

19 “(A) TERMS.—

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

1 “(ii) REAPPOINTMENT.—A voting
2 member of the Advisory Committee may be
3 reappointed.

4 “(B) REMOVAL.—

5 “(i) IN GENERAL.—The Administrator
6 may review the participation of a member
7 of the Advisory Committee and remove
8 such member for cause at any time.

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

16 “(5) PROHIBITION ON COMPENSATION.—The
17 members of the Advisory Committee shall not re-
18 ceive any compensation from the Government by
19 reason of their service on the Advisory Committee.

20 “(6) MEETINGS.—

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

1 “(B) PUBLIC MEETINGS.—At least one of
2 the meetings of the Advisory Committee each
3 year shall be—

4 “(i) announced in the Federal Reg-
5 ister;

6 “(ii) announced on a public website;
7 and

8 “(iii) open to the public.

9 “(C) ATTENDANCE.—The Advisory Com-
10 mittee shall maintain a record of the persons
11 present at each meeting.

12 “(D) MINUTES.—

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

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

23 “(7) VOTING MEMBER ACCESS TO CLASSIFIED
24 AND SENSITIVE SECURITY INFORMATION.—

1 “(A) DETERMINATIONS.—Not later than
2 60 days after the date on which a voting mem-
3 ber is appointed to the Advisory Committee and
4 before that voting member may be granted any
5 access to classified information or sensitive se-
6 curity information, the Administrator shall de-
7 termine if the voting member should be re-
8 stricted from reviewing, discussing, or pos-
9 sessing classified information or sensitive secu-
10 rity information.

11 “(B) ACCESS.—

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

22 “(ii) CLASSIFIED INFORMATION.—Ac-
23 cess to classified materials shall be man-
24 aged in accordance with Executive Order
25 13526 of December 29, 2009 (75 Fed.

1 Reg. 707), or any subsequent cor-
2 responding Executive order.

3 “(C) PROTECTIONS.—

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

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

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

19 “(A) Aviation Security Advisory Com-
20 mittee established under section 44946 of title
21 49, United States Code.

22 “(B) Maritime Security Advisory Com-
23 mittee established under section 70112 of title
24 46, United States Code.

1 “(C) Railroad Safety Advisory Committee
2 established by the Federal Railroad Administra-
3 tion.

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

8 “(d) REPORTS.—

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

14 “(2) ANNUAL REPORT.—

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

21 “(B) PUBLICATION.—Not later than 6
22 months after the date that the Administrator
23 receives an annual report under subparagraph
24 (A), the Administrator shall publish a public

1 version of the report, in accordance with section
2 552a(b) of title 5, United States Code.

3 “(e) ADMINISTRATION RESPONSE.—

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

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

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

23 “(B) if the Administrator disagrees with
24 the recommendation, a justification for that de-
25 termination.

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

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

8 “(B) provide the appropriate congressional
9 committees with a briefing upon request.

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

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

21 “(A) lists the members of the Advisory
22 Committee; and

23 “(B) provides the contact information for
24 the Advisory Committee.

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

5 (b) ADVISORY COMMITTEE MEMBERS.—

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

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

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

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

1 **SEC. 9. REVIEW OF THE EXPLOSIVES DETECTION CANINE**
2 **TEAM PROGRAM.**

3 (a) **IN GENERAL.**—Not later than 90 days after the
4 date that the Inspector General of the Department re-
5 ceives the report under section 3(e), the Inspector General
6 of the Department shall—

7 (1) review the explosives detection canine team
8 program, including—

9 (A) the development by the Transportation
10 Security Administration of a deployment strat-
11 egy for explosives detection canine teams;

12 (B) the national explosives detection canine
13 team training program, including canine train-
14 ing, handler training, refresher training, and
15 updates to such training; and

16 (C) the use of the canine assets during an
17 urgent security need, including the reallocation
18 of such program resources outside the transpor-
19 tation systems sector during an urgent security
20 need; and

21 (2) submit to the appropriate committees of
22 Congress a report on the review, including any rec-
23 ommendations.

24 (b) **CONSIDERATIONS.**—In conducting the review of
25 the deployment strategy under subsection (a)(1)(A), the
26 Inspector General shall consider whether the Transpor-

1 tation Security Administration's method to analyze the
2 risk to transportation facilities and transportation systems
3 is appropriate.

4 **SEC. 10. EXPANSION OF NATIONAL EXPLOSIVES DETEC-**
5 **TION CANINE TEAM PROGRAM.**

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

11 (b) **INCREASED CAPACITY.**—

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

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

1 budget submitted under section 1105 of title 31,
2 United States Code.

3 ~~(3) RECOMMENDATIONS.~~—Before initiating any
4 increase in the number of explosives detection teams
5 under paragraph (2), the Secretary shall consider
6 any recommendations in the report under section 9
7 on the efficacy and management of the explosives
8 detection canine program.

9 ~~(c) DEPLOYMENT.~~—The Secretary shall—

10 ~~(1)~~ use the additional explosives detection ca-
11 nine teams, as described in subsection (b)(1), as
12 part of the Department's efforts to strengthen secu-
13 rity across the Nation's surface and maritime trans-
14 portation networks;

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

21 ~~(3)~~ consider specific needs and training require-
22 ments for explosives detection canine teams to be de-
23 ployed across the Nation's surface and maritime
24 transportation networks, including in venues of mul-

1 multiple modes of transportation, as the Secretary con-
 2 sidered appropriate.

3 (d) AUTHORIZATION.—There are authorized to be ap-
 4 propriated to the Secretary such sums as may be nec-
 5 essary to carry out this section for each of fiscal years
 6 2018 through 2021.

7 **SEC. 11. EXPLOSIVE DETECTION TECHNOLOGY.**

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

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

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

21 (1) identifies and compares—

22 (A) United States and foreign passenger
 23 transportation security standards; and
 24

1 (B) best practices for protecting passenger
2 transportation systems, including shared ter-
3 minal facilities, and cyber systems; and

4 (2) disseminates the findings under paragraph
5 (1) to stakeholders.

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

9 (1) the findings of the study conducted under
10 subsection (a); and

11 (2) any recommendations for improving the rel-
12 evant processes or procedures.

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

14 (a) RAILROAD SECURITY ASSISTANCE.—Section
15 1513(b) of the Implementing Recommendations of the 9/
16 11 Commission Act of 2007 (6 U.S.C. 1163(b)) is amend-
17 ed—

18 (1) in paragraph (1), by striking the period at
19 the end and inserting “, including communications
20 interoperability where appropriate with relevant out-
21 side agencies and entities.”;

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

24 (3) in paragraph (7), by striking “security
25 threats” and inserting “security threats and pre-

1 paredness, including connectivity to the National
2 Terrorist Screening Center”; and

3 (4) in paragraph (9), by striking “and security
4 officers” and inserting “, security, and preparedness
5 officers”.

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

9 (1) in subparagraph (D) by inserting “, or to
10 connect to the National Terrorism Screening Center
11 watchlist” after “Secretary”;

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

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

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

17 “(I) for improvements to passenger
18 verification systems;

19 “(J) for improvements to employee and
20 contractor verification systems, including iden-
21 tity verification technology; or

22 “(K) for improvements to the security of
23 Amtrak computer systems, including cybersecu-
24 rity assessments and programs.”.

1 **SEC. 14. PASSENGER RAIL VETTING.**

2 (a) **IN GENERAL.**—Not later than 180 days after the
3 date on which the Amtrak Board of Directors submits a
4 request to the Administrator, the Administrator shall
5 issue a decision on the use by Amtrak of the Transpor-
6 tation Security Administration’s Secure Flight Program
7 or a similar passenger vetting system to enhance pas-
8 senger rail security.

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

17 (c) **NOTICES.**—The Administrator shall notify the ap-
18 propriate committees of Congress of any decision made
19 under subsection (a) and the details of the strategic plan
20 under subsection (b).

21 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
22 tion shall be construed to limit the Administrator’s au-
23 thority to set the access to, or terms and conditions of
24 using, the Secure Flight Program or a similar passenger
25 vetting system.

1 **SEC. 15. STUDY ON SURFACE TRANSPORTATION INSPEC-**
2 **TORS.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Comptroller General of the United States
5 shall submit to the appropriate committees of Congress
6 a report that—

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

12 (2) determines whether surface transportation
13 security inspectors—

14 (A) have appropriate qualifications to help
15 secure and inspect surface transportation sys-
16 tems; and

17 (B) have adequate experience and training
18 to perform the responsibilities identified under
19 paragraph (1);

20 (3) evaluates feedback from surface transpor-
21 tation industry stakeholders on the effectiveness of
22 surface transportation security inspectors and in-
23 spection programs to the overall security of the sur-
24 face transportation systems of such stakeholders;

1 (4) evaluates the consistency of surface trans-
2 portation inspections, recommendations, and regu-
3 latory enforcement, where applicable;

4 (5) identifies any duplication or redundancy be-
5 tween the Transportation Security Administration
6 and the Department of Transportation relating to
7 surface transportation security inspections or over-
8 sight; and

9 (6) provides recommendations, if any, relating
10 to—

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

13 (i) changes in organizational and su-
14 pervisory structures;

15 (ii) coordination procedures to en-
16 hance consistency; and

17 (iii) effectiveness in inspection and
18 compliance activities; and

19 (B) whether each transportation mode
20 needs inspectors trained and qualified for that
21 specific mode.

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

23 (a) **ESTABLISHMENT.**—The Administrator shall es-
24 tablish a program to promote surface transportation secu-
25 rity through the training of surface transportation opera-

1 tors and frontline employees on each of the skills identified
2 in subsection (e).

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

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

11 (d) ASSESSMENT.—

12 (1) IN GENERAL.—The Administrator shall con-
13 duct an assessment of current training programs for
14 surface transportation operators and frontline em-
15 ployees.

16 (2) CONTENTS.—The assessment shall iden-
17 tify—

18 (A) whether other training is being pro-
19 vided, either voluntarily or in response to other
20 Federal requirements; and

21 (B) whether there are any gaps in existing
22 training.

23 (e) UPDATES.—The Administrator shall ensure the
24 program established under subsection (a) is updated as
25 necessary to address changes in risk and terrorist methods

1 and to close any gaps identified in the assessment under
2 subsection (d).

3 (f) SUSPICIOUS ACTIVITY REPORTING.—

4 (1) IN GENERAL.—The Administrator shall
5 maintain a national telephone number for an indi-
6 vidual to use to report suspicious activity under this
7 section to the Administration.

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

10 (A) to review and followup, as necessary,
11 on each report received under paragraph (1);
12 and

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

16 (3) RULE OF CONSTRUCTION.—Nothing in this
17 section may be construed to replace or affect in any
18 way the use of 9-1-1 services in an emergency.

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

21 (1) an employee of a public transportation
22 agency who is a transit vehicle driver or operator,
23 dispatcher, maintenance and maintenance support
24 employee, station attendant, customer service em-
25 ployee, security employee, or transit police, or any

1 other employee who has direct contact with riders on
 2 a regular basis; and any other employee of a public
 3 transportation agency that the Administrator deter-
 4 mines should receive security training under this
 5 section or that is receiving security training under
 6 other law;

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

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

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

23 (a) IN GENERAL.—An individual who is subject to
 24 credentialing or a background investigation may satisfy
 25 that requirement by obtaining a valid transportation secu-

1 rity card issued under section 70105 of title 46, United
2 States Code.

3 (b) ISSUANCE OF CARDS.—The Secretary of Home-
4 land Security—

5 (1) shall expand the transportation security
6 card program, consistent with section 70105 of title
7 46, United States Code, to allow an individual who
8 is subject to credentialing or a background investiga-
9 tion to apply for a transportation security card; and

10 (2) may charge reasonable fees, in accordance
11 with section 520(a) of the Department of Homeland
12 Security Appropriations Act, 2004 (6 U.S.C.
13 469(a)), for providing the necessary credentialing
14 and background investigation.

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

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

1 (2) is required to have a credential and back-
 2 ground records check under section 2102(d)(2) of
 3 the Homeland Security Act of 2002 (6 U.S.C.
 4 622(d)(2)) at a facility with activities that are regu-
 5 lated by the Transportation Security Administration,
 6 Department of Transportation, or Coast Guard.

7 **SEC. 18. BACKGROUND RECORDS CHECKS FOR ISSUANCE**
 8 **OF HAZMAT LICENSES.**

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

11 “~~(3)~~ TRANSPORTATION SECURITY CARDS.—An
 12 individual who holds a valid transportation security
 13 card issued by the Secretary of the department in
 14 which the Coast Guard is operating under section
 15 70105 of title 46 shall be deemed to have met the
 16 background records check required under this sub-
 17 section.”.

18 **SEC. 19. CARGO CONTAINER SCANNING TECHNOLOGY RE-**
 19 **VIEW.**

20 (a) DESIGNATIONS.—

21 (1) IN GENERAL.—Not later than 1 year after
 22 the date of enactment of this Act, and not less fre-
 23 quently than once every 5 years thereafter until the
 24 date of full-scale implementation of 100 percent
 25 screening of cargo containers and 100 percent scan-

1 ning of high-risk containers required under section
2 232 of the SAFE Port Act (6 U.S.C. 982), the Sec-
3 retary shall solicit proposals for scanning tech-
4 nologies, consistent with the standards under sub-
5 section (b)(8) of that section, to improve scanning of
6 cargo at domestic ports.

7 (2) EVALUATION.—In soliciting proposals under
8 paragraph (1), the Secretary shall establish meas-
9 ures to assess the performance of the proposed scan-
10 ning technologies, including—

11 (A) the rate of false positives;

12 (B) the delays in processing times; and

13 (C) the impact on the supply chain.

14 (b) PILOT PROGRAM.—

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

18 (2) APPLICATION PROCESS.—In carrying out
19 the pilot program under this subsection, the Sec-
20 retary shall—

21 (A) solicit applications from domestic
22 ports;

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

1 (C) select ports with unique features and
2 differing levels of trade volume.

3 (3) REPORT.—Not later than 1 year after initi-
4 ating a pilot program under paragraph (1), the Sec-
5 retary shall submit to the appropriate committees of
6 Congress a report on the pilot program, including—

7 (A) an evaluation of the scanning tech-
8 nologies proposed to improve security at domes-
9 tic ports and to meet the full-scale implementa-
10 tion requirement;

11 (B) the costs to implement a pilot pro-
12 gram;

13 (C) the benefits of the proposed scanning
14 technologies;

15 (D) the impact of the pilot program on the
16 supply chain; and

17 (E) recommendations for implementation
18 of advanced cargo scanning technologies at do-
19 mestic ports.

20 (4) SHARING PILOT PROGRAM TESTING RE-
21 SULTS.—The results of the pilot testing of advanced
22 cargo scanning technologies shall be shared, as ap-
23 propriate, with government agencies and private
24 stakeholders whose responsibilities encompass the se-
25 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.”.

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 this*
 7 *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. Nuclear material and explosive detection technology.

*Sec. 12. Study on security standards and best practices for passenger transpor-
 tation 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. Authorization of appropriations.

Sec. 18. GAO study on grants.

Sec. 19. Voluntary use of credentialing.

Sec. 20. Background records checks for issuance of hazmat licenses.

Sec. 21. Cargo container scanning technology review.

Sec. 22. Technical and conforming amendments.

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

10 (1) *ADMINISTRATOR.*—*The term “Adminis-*
 11 *trator” means the Administrator of the Transpor-*
 12 *tation Security Administration.*

1 (2) *APPROPRIATE COMMITTEES OF CONGRESS.*—

2 The term “appropriate committees of Congress”
3 means—

4 (A) *the Committee on Commerce, Science,*
5 *and Transportation of the Senate;*

6 (B) *the Committee on Homeland Security*
7 *and Governmental Affairs of the Senate;*

8 (C) *the Committee on Homeland Security of*
9 *the House of Representatives; and*

10 (D) *the Committee on Transportation and*
11 *Infrastructure of the House of Representatives.*

12 (3) *DEPARTMENT.*—The term “Department”
13 means *the Department of Homeland Security.*

14 (4) *EXPLOSIVES DETECTION CANINE TEAM.*—The
15 term “explosives detection canine team” means a ca-
16 nine and a canine handler that are trained to detect
17 explosives and other threats as defined by the Sec-
18 retary.

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

22 (6) *SECRETARY.*—The term “Secretary” means
23 the Secretary of Homeland Security.

1 (7) *THREAT*.—The term “threat” means an ad-
 2 versary that has the intent and capability to cause
 3 harm.

4 (8) *VULNERABILITY*.—The term “vulnerability”
 5 means a weakness in a system or facility that a
 6 threat can exploit to cause harm.

7 **SEC. 3. SURFACE AND MARITIME TRANSPORTATION SECU-**
 8 **RITY ASSESSMENT AND IMPLEMENTATION OF**
 9 **RISK-BASED STRATEGY.**

10 (a) *SECURITY ASSESSMENT*.—

11 (1) *IN GENERAL*.—Not later than 1 year after
 12 the date of enactment of this Act, the Administrator
 13 shall complete an assessment of—

14 (A) the vulnerabilities of and risks to sur-
 15 face transportation systems; and

16 (B) in coordination with the Commandant
 17 of the Coast Guard, the vulnerabilities of and
 18 risks to maritime transportation systems.

19 (2) *CONSIDERATIONS*.—In conducting the secu-
 20 rity assessment under paragraph (1), the Adminis-
 21 trator shall, at a minimum—

22 (A) consider appropriate intelligence;

23 (B) consider security breaches and attacks
 24 at domestic and international transportation fa-
 25 cilities;

1 (C) consider the vulnerabilities and risks
2 associated with specific modes of surface trans-
3 portation;

4 (D) evaluate the vetting and security train-
5 ing of—

6 (i) employees in surface transpor-
7 tation;

8 (ii) employees in maritime transpor-
9 tation; and

10 (iii) other individuals with access to
11 sensitive or secure areas of transportation
12 networks; and

13 (E) consider input from—

14 (i) representatives of different modes of
15 surface transportation;

16 (ii) subject to paragraph (3)—

17 (I) representatives of maritime
18 transportation;

19 (II) critical infrastructure enti-
20 ties; and

21 (III) the Transportation Systems
22 Sector Coordinating Council;

23 (iii) the Commandant of the Coast
24 Guard; and

1 (iv) the heads of other relevant Federal
2 departments or agencies.

3 (3) *MARITIME FACILITIES*.—The Commandant of
4 the Coast Guard shall coordinate with the Adminis-
5 trator to provide input and other information regard-
6 ing the vulnerabilities of and risks to maritime facili-
7 ties.

8 (b) *RISK-BASED SECURITY STRATEGY*.—

9 (1) *IN GENERAL*.—Not later than 180 days after
10 the date the security assessment under subsection (a)
11 is complete, the Administrator shall use the results of
12 the assessment—

13 (A) to develop and implement a cross-cut-
14 ting, risk-based security strategy that includes—

15 (i) all surface transportation modes;

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

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

23 (iv) a planning process to inform re-
24 source allocation;

1 (v) priorities, milestones, and perform-
2 ance metrics to measure the effectiveness of
3 the risk-based security strategy; and

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

7 (B) to develop a management oversight
8 strategy that—

9 (i) identifies the parties responsible for
10 the implementation, management, and over-
11 sight of the risk-based security strategy; and

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

14 (C) to modify the risk-based budget and re-
15 source allocations, in accordance with section
16 4(c), for the Transportation Security Adminis-
17 tration.

18 (2) *COORDINATED APPROACH.*—In developing
19 and implementing the risk-based security strategy
20 under paragraph (1), the Administrator shall—

21 (A) coordinate with the heads of other rel-
22 evant Federal departments or agencies, and
23 stakeholders, as appropriate—

24 (i) to evaluate existing surface trans-
25 portation security programs, policies, and

1 *initiatives, including the explosives detec-*
2 *tion canine teams, for consistency with the*
3 *risk-based security strategy and, to the ex-*
4 *tent practicable, avoid any unnecessary du-*
5 *plication of effort;*

6 *(ii) to determine the extent to which*
7 *stakeholder security programs, policies, and*
8 *initiatives address the vulnerabilities and*
9 *risks to surface transportation systems iden-*
10 *tified in subsection (a); and*

11 *(iii) subject to clause (ii), to mitigate*
12 *each vulnerability and risk to surface trans-*
13 *portation systems identified in subsection*
14 *(a); and*

15 *(B) coordinate with the Commandant of the*
16 *Coast Guard—*

17 *(i) to evaluate existing maritime trans-*
18 *portation security programs, policies, and*
19 *initiatives for consistency with the risk-*
20 *based security strategy and, to the extent*
21 *practicable, avoid any unnecessary duplica-*
22 *tion of effort;*

23 *(ii) to ensure there are no security*
24 *gaps between jurisdictional authorities that*
25 *a threat can exploit to cause harm;*

1 (iii) to determine the extent to which
2 stakeholder security programs, policies, and
3 initiatives address the vulnerabilities and
4 risks to maritime transportation systems
5 identified in subsection (a); and

6 (iv) subject to clauses (ii) and (iii), to
7 mitigate each vulnerability and risk to
8 maritime transportation systems identified
9 in subsection (a).

10 (c) *REPORT.*—

11 (1) *IN GENERAL.*—Not later than 180 days after
12 the date the security assessment under subsection (a)
13 is complete, the Administrator shall submit to the ap-
14 propriate committees of Congress and the Inspector
15 General of the Department a report that—

16 (A) describes the process used to complete
17 the security assessment;

18 (B) describes the process used to develop the
19 risk-based security strategy;

20 (C) describes the risk-based security strat-
21 egy;

22 (D) includes the management oversight
23 strategy;

24 (E) includes—

1 (i) *the findings of the security assess-*
2 *ment;*

3 (ii) *a description of the actions rec-*
4 *ommended or taken by the Administrator,*
5 *the Commandant of the Coast Guard, or the*
6 *head of another Federal department or*
7 *agency to mitigate the vulnerabilities and*
8 *risks identified in subsection (a);*

9 (iii) *any recommendations for improv-*
10 *ing the coordinated approach to mitigating*
11 *vulnerabilities and risks to surface and*
12 *maritime transportation systems; and*

13 (iv) *any recommended changes to the*
14 *National Infrastructure Protection Plan, the*
15 *modal annexes to such plan, or relevant*
16 *surface or maritime transportation security*
17 *programs, policies, or initiatives; and*

18 (F) *may contain a classified annex.*

19 (2) *PROTECTIONS.—In preparing the report, the*
20 *Administrator shall take appropriate actions to safe-*
21 *guard information described by section 552(b) of title*
22 *5, United States Code, or protected from disclosure by*
23 *any other law of the United States.*

24 (d) *UPDATES.—Not less frequently than semiannually,*
25 *the Administrator shall report to or brief the appropriate*

1 *committees of Congress on the vulnerabilities of and risks*
2 *to surface and maritime transportation systems and how*
3 *those vulnerabilities and risks affect the risk-based security*
4 *strategy.*

5 **SEC. 4. RISK-BASED BUDGETING AND RESOURCE ALLOCA-**
6 **TION.**

7 *(a) REPORT.—In conjunction with the submission of*
8 *the Department’s annual budget request to the Office of*
9 *Management and Budget, the Administrator shall submit*
10 *to the appropriate committees of Congress a report that de-*
11 *scribes a risk-based budget and resource allocation plan for*
12 *surface transportation sectors, within and across modes,*
13 *that—*

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

16 *(2) is organized by appropriations account, pro-*
17 *gram, project, and initiative.*

18 *(b) BUDGET TRANSPARENCY.—In submitting the an-*
19 *nual budget of the United States Government under section*
20 *1105 of title 31, United States Code, the President shall*
21 *clearly distinguish the resources requested for surface and*
22 *maritime transportation security from the resources re-*
23 *quested for aviation security.*

24 *(c) RESOURCE REALLOCATION.—*

1 (1) *IN GENERAL.*—Not later than 15 days after
2 the date on which the Transportation Security Ad-
3 ministration allocates any resources or personnel, in-
4 cluding personnel sharing, detailing, or assignment,
5 or the use of facilities, technology systems, or vetting
6 resources, for a nontransportation security purpose or
7 National Special Security Event (as defined in sec-
8 tion 2001 of Homeland Security Act of 2002 (6
9 U.S.C. 601)), the Secretary shall provide the notifica-
10 tion described in paragraph (2) to the appropriate
11 committees of Congress.

12 (2) *NOTIFICATION.*—A notification described in
13 this paragraph shall include—

14 (A) the reason for and a justification of the
15 resource or personnel allocation;

16 (B) the expected end date of the resource or
17 personnel allocation; and

18 (C) the projected cost to the Transportation
19 Security Administration of the personnel or re-
20 source allocation.

1 **SEC. 5. SURFACE AND MARITIME TRANSPORTATION SECU-**
2 **RITY MANAGEMENT AND INTERAGENCY CO-**
3 **ORDINATION REVIEW.**

4 (a) *REVIEW.*—Not later than 1 year after the date of
5 enactment of this Act, the Comptroller General of the United
6 States shall—

7 (1) *review the staffing, budget, resource, and per-*
8 *sonnel allocation, and management oversight strategy*
9 *of the Transportation Security Administration’s sur-*
10 *face and maritime transportation security programs;*

11 (2) *review the coordination between relevant en-*
12 *tities of leadership, planning, policy, inspections, and*
13 *implementation of security programs relating to sur-*
14 *face and maritime transportation to reduce redun-*
15 *dancy and regulatory burden; and*

16 (3) *submit to the appropriate committees of Con-*
17 *gress a report on the findings of the reviews under*
18 *paragraphs (1) and (2), including any recommenda-*
19 *tions for improving coordination between relevant en-*
20 *tities and reducing redundancy and regulatory bur-*
21 *den.*

22 (b) *DEFINITION OF RELEVANT ENTITIES.*—In this sec-
23 tion, the term “relevant entities” means—

24 (1) *the Transportation Security Administration;*

25 (2) *the Coast Guard;*

1 (3) *other Federal, State, or local departments or*
 2 *agencies with jurisdiction over a mode of surface or*
 3 *maritime transportation;*

4 (4) *critical infrastructure entities;*

5 (5) *the Transportation Systems Sector Coordinating Council; and*

7 (6) *relevant stakeholders.*

8 **SEC. 6. TRANSPARENCY.**

9 (a) *REGULATIONS.—*

10 (1) *IN GENERAL.—Not later than 180 days after*
 11 *the date of enactment of this Act, and every 180 days*
 12 *thereafter, the Administrator shall publish on a public*
 13 *website information regarding the status of each regula-*
 14 *tion relating to surface transportation security that*
 15 *is directed by law to be issued and that has not been*
 16 *issued if not less than 2 years have passed since the*
 17 *date of enactment of the law.*

18 (2) *CONTENTS.—The information published*
 19 *under paragraph (1) shall include—*

20 (A) *an updated rulemaking schedule for the*
 21 *outstanding regulation;*

22 (B) *current staff allocations;*

23 (C) *data collection or research relating to*
 24 *the development of the rulemaking;*

1 (D) current efforts, if any, with security ex-
2 perts, advisory committees, and other stake-
3 holders; and

4 (E) other relevant details associated with
5 the development of the rulemaking that impact
6 the progress of the rulemaking.

7 (b) *INSPECTOR GENERAL REVIEW.*—Not later than
8 180 days after the date of enactment of this Act, and every
9 2 years thereafter until all of the requirements under titles
10 XIII, XIV, and XV of the *Implementing Recommendations*
11 of the *9/11 Commission Act of 2007* (6 U.S.C. 1111 *et seq.*)
12 and under this Act have been fully implemented, the *Inspec-*
13 tor General of the Department shall submit to the appro-
14 priate committees of Congress a report that—

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

18 (2) describes what, if any, additional action is
19 necessary; and

20 (3) includes recommendations regarding whether
21 any of the requirements under such titles of that Act
22 or this Act should be amended or repealed.

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

24 (a) *IN GENERAL.*—If the Transportation Security Ad-
25 ministration deploys any counterterrorism personnel or re-

1 source, such as explosive detection sweeps, random bag in-
 2 spections, or patrols by Visible Intermodal Prevention and
 3 Response teams, to enhance security at a surface transpor-
 4 tation system or surface transportation facility for a period
 5 of not less than 180 consecutive days, the Administrator
 6 shall provide sufficient notification to the system or facility
 7 operator, as applicable, not less than 14 days prior to ter-
 8 minating the deployment.

9 (b) *EXCEPTION.*—This section shall not apply if the
 10 Administrator—

11 (1) determines there is an urgent security need
 12 for the personnel or resource described in subsection
 13 (a); and

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

16 **SEC. 8. SURFACE TRANSPORTATION SECURITY ADVISORY**
 17 **COMMITTEE.**

18 (a) *IN GENERAL.*—Subtitle A of title IV of the Home-
 19 land Security Act of 2002 (6 U.S.C. 201 et seq.) is amended
 20 by adding at the end the following:

21 **“SEC. 404. SURFACE TRANSPORTATION SECURITY ADVI-**
 22 **SORY COMMITTEE.**

23 “(a) *ESTABLISHMENT.*—The Administrator of the
 24 Transportation Security Administration (referred to in this
 25 section as ‘Administrator’) shall establish within the Trans-

1 *portation Security Administration the Surface Transpor-*
2 *tation Security Advisory Committee (referred to in this sec-*
3 *tion as the ‘Advisory Committee’).*

4 “(b) *DUTIES.—*

5 “(1) *IN GENERAL.—The Advisory Committee*
6 *may advise, consult with, report to, and make rec-*
7 *ommendations to the Administrator on surface trans-*
8 *portation security matters, including the development,*
9 *refinement, and implementation of policies, programs,*
10 *initiatives, rulemakings, and security directives per-*
11 *taining to surface transportation security.*

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

15 “(c) *MEMBERSHIP.—*

16 “(1) *COMPOSITION.—The Advisory Committee*
17 *shall be composed of—*

18 “(A) *voting members appointed by the Ad-*
19 *ministrator under paragraph (2); and*

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

22 “(i) *the Transportation Security Ad-*
23 *ministration;*

24 “(ii) *the Department of Transpor-*
25 *tation;*

1 “(iii) the Coast Guard; and

2 “(iv) such other Federal department or
3 agency as the Administrator considers ap-
4 propriate.

5 “(2) APPOINTMENT.—The Administrator shall
6 appoint voting members from among stakeholders rep-
7 resenting each mode of surface transportation, such as
8 passenger rail, freight rail, mass transit, pipelines,
9 highways, over-the-road bus, school bus industry, and
10 trucking, including representatives from—

11 “(A) associations representing such modes of
12 surface transportation;

13 “(B) labor organizations representing such
14 modes of surface transportation;

15 “(C) groups representing the users of such
16 modes of surface transportation, including asset
17 manufacturers, as appropriate;

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

20 “(E) such other groups as the Adminis-
21 trator considers appropriate.

22 “(3) CHAIRPERSON.—The Advisory Committee
23 shall select a chairperson from among its voting mem-
24 bers.

25 “(4) TERM OF OFFICE.—

1 “(A) *TERMS.*—

2 “(i) *IN GENERAL.*—*The term of each*
3 *voting member of the Advisory Committee*
4 *shall be 2 years, but a voting member may*
5 *continue to serve until the Administrator*
6 *appoints a successor.*

7 “(ii) *REAPPOINTMENT.*—*A voting*
8 *member of the Advisory Committee may be*
9 *reappointed.*

10 “(B) *REMOVAL.*—

11 “(i) *IN GENERAL.*—*The Administrator*
12 *may review the participation of a member*
13 *of the Advisory Committee and remove such*
14 *member for cause at any time.*

15 “(ii) *ACCESS TO INFORMATION.*—*The*
16 *Administrator may remove any member of*
17 *the Advisory Committee that the Adminis-*
18 *trator determines should be restricted from*
19 *reviewing, discussing, or possessing classi-*
20 *fied information or sensitive security infor-*
21 *mation.*

22 “(5) *PROHIBITION ON COMPENSATION.*—*The*
23 *members of the Advisory Committee shall not receive*
24 *any compensation from the Government by reason of*
25 *their service on the Advisory Committee.*

1 “(6) *MEETINGS.*—

2 “(A) *IN GENERAL.*—*The Administrator*
3 *shall require the Advisory Committee to meet at*
4 *least semiannually in person or through web*
5 *conferencing and may convene additional meet-*
6 *ings as necessary.*

7 “(B) *PUBLIC MEETINGS.*—*At least 1 of the*
8 *meetings of the Advisory Committee each year*
9 *shall be—*

10 “(i) *announced in the Federal Register;*

11 “(ii) *announced on a public website;*

12 *and*

13 “(iii) *open to the public.*

14 “(C) *ATTENDANCE.*—*The Advisory Com-*
15 *mittee shall maintain a record of the persons*
16 *present at each meeting.*

17 “(D) *MINUTES.*—

18 “(i) *IN GENERAL.*—*Unless otherwise*
19 *prohibited by other Federal law, minutes of*
20 *the meetings shall be published on the public*
21 *website under subsection (e)(5).*

22 “(ii) *PROTECTION OF CLASSIFIED AND*
23 *SENSITIVE INFORMATION.*—*The Advisory*
24 *Committee may redact or summarize, as*
25 *necessary, minutes of the meetings to protect*

1 *classified or other sensitive information in*
2 *accordance with law.*

3 “(7) *VOTING MEMBER ACCESS TO CLASSIFIED*
4 *AND SENSITIVE SECURITY INFORMATION.—*

5 “(A) *DETERMINATIONS.—Not later than 60*
6 *days after the date on which a voting member is*
7 *appointed to the Advisory Committee and before*
8 *that voting member may be granted any access*
9 *to classified information or sensitive security in-*
10 *formation, the Administrator shall determine if*
11 *the voting member should be restricted from re-*
12 *viewing, discussing, or possessing classified in-*
13 *formation or sensitive security information.*

14 “(B) *ACCESS.—*

15 “(i) *SENSITIVE SECURITY INFORMA-*
16 *TION.—If a voting member is not restricted*
17 *from reviewing, discussing, or possessing*
18 *sensitive security information under sub-*
19 *paragraph (A) and voluntarily signs a non-*
20 *disclosure agreement, the voting member*
21 *may be granted access to sensitive security*
22 *information that is relevant to the voting*
23 *member’s service on the Advisory Com-*
24 *mittee.*

1 “(ii) *CLASSIFIED INFORMATION.*—Access
2 to classified materials shall be managed
3 in accordance with *Executive Order 13526*
4 of *December 29, 2009 (75 Fed. Reg. 707)*, or
5 any subsequent corresponding executive
6 order.

7 “(C) *PROTECTIONS.*—

8 “(i) *SENSITIVE SECURITY INFORMA-*
9 *TION.*—Voting members shall protect sen-
10 sitive security information in accordance
11 with *part 1520 of title 49, Code of Federal*
12 *Regulations.*

13 “(ii) *CLASSIFIED INFORMATION.*—Vot-
14 ing members shall protect classified infor-
15 mation in accordance with the applicable
16 requirements for the particular level of clas-
17 sification.

18 “(8) *JOINT COMMITTEE MEETINGS.*—The *Advi-*
19 sory Committee may meet with 1 or more of the fol-
20 lowing advisory committees to discuss multimodal se-
21 curity issues and other security-related issues of com-
22 mon concern:

23 “(A) *Aviation Security Advisory Committee*
24 *established under section 44946 of title 49,*
25 *United States Code.*

1 “(B) *Maritime Security Advisory Com-*
2 *mittee established under section 70112 of title 46,*
3 *United States Code.*

4 “(C) *Railroad Safety Advisory Committee*
5 *established by the Federal Railroad Administra-*
6 *tion.*

7 “(9) *SUBJECT MATTER EXPERTS.—The Advisory*
8 *Committee may request the assistance of subject mat-*
9 *ter experts with expertise related to the jurisdiction of*
10 *the Advisory Committee.*

11 “(d) *REPORTS.—*

12 “(1) *PERIODIC REPORTS.—The Advisory Com-*
13 *mittee shall periodically submit reports to the Admin-*
14 *istrator on matters requested by the Administrator or*
15 *by a majority of the members of the Advisory Com-*
16 *mittee.*

17 “(2) *ANNUAL REPORT.—*

18 “(A) *SUBMISSION.—The Advisory Com-*
19 *mittee shall submit to the Administrator and the*
20 *appropriate congressional committees an annual*
21 *report that provides information on the activi-*
22 *ties, findings, and recommendations of the Advi-*
23 *sory Committee during the preceding year.*

24 “(B) *PUBLICATION.—Not later than 6*
25 *months after the date that the Administrator re-*

1 *ceives an annual report under subparagraph (A),*
2 *the Administrator shall publish a public version*
3 *of the report, in accordance with section 552a(b)*
4 *of title 5, United States Code.*

5 “(e) *ADMINISTRATION RESPONSE.*—

6 “(1) *CONSIDERATION.*—*The Administrator shall*
7 *consider the information, advice, and recommenda-*
8 *tions of the Advisory Committee in formulating poli-*
9 *cies, programs, initiatives, rulemakings, and security*
10 *directives pertaining to surface transportation secu-*
11 *rity and to the support of maritime transportation*
12 *security efforts.*

13 “(2) *FEEDBACK.*—*Not later than 90 days after*
14 *the date that the Administrator receives a rec-*
15 *ommendation from the Advisory Committee under*
16 *subsection (d)(2), the Administrator shall submit to*
17 *the Advisory Committee written feedback on the rec-*
18 *ommendation, including—*

19 “(A) *if the Administrator agrees with the*
20 *recommendation, a plan describing the actions*
21 *that the Administrator has taken, will take, or*
22 *recommends that the head of another Federal de-*
23 *partment or agency take to implement the rec-*
24 *ommendation; or*

1 “(B) if the Administrator disagrees with the
2 recommendation, a justification for that deter-
3 mination.

4 “(3) NOTICES.—Not later than 30 days after the
5 date the Administrator submits feedback under para-
6 graph (2), the Administrator shall—

7 “(A) notify the appropriate congressional
8 committees of the feedback, including the deter-
9 mination under subparagraph (A) or subpara-
10 graph (B) of that paragraph, as applicable; and

11 “(B) provide the appropriate congressional
12 committees with a briefing upon request.

13 “(4) UPDATES.—Not later than 90 days after the
14 date the Administrator receives a recommendation
15 from the Advisory Committee under subsection (d)(2)
16 that the Administrator agrees with, and quarterly
17 thereafter until the recommendation is fully imple-
18 mented, the Administrator shall submit a report to
19 the appropriate congressional committees or post on
20 the public website under paragraph (5) an update on
21 the status of the recommendation.

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

24 “(A) lists the members of the Advisory Com-
25 mittee; and

1 “(B) provides the contact information for
2 the Advisory Committee.

3 “(f) *NONAPPLICABILITY OF FACA.*—*The Federal Advi-*
4 *sory Committee Act (5 U.S.C. App.) shall not apply to the*
5 *Advisory Committee or any subcommittee established under*
6 *this section.*”.

7 (b) *ADVISORY COMMITTEE MEMBERS.*—

8 (1) *VOTING MEMBERS.*—*Not later than 180 days*
9 *after the date of enactment of this Act, the Adminis-*
10 *trator shall appoint the voting members of the Sur-*
11 *face Transportation Security Advisory Committee es-*
12 *tablished under section 404 of the Homeland Security*
13 *Act of 2002, as added by subsection (a) of this section.*

14 (2) *NONVOTING MEMBERS.*—*Not later than 90*
15 *days after the date of enactment of this Act, each Fed-*
16 *eral Government department and agency with regu-*
17 *latory authority over a mode of surface or maritime*
18 *transportation, as the Administrator considers appro-*
19 *priate, shall designate an appropriate representative*
20 *to serve as a nonvoting member of the Surface Trans-*
21 *portation Security Advisory Committee.*

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

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

1 **SEC. 9. REVIEW OF THE EXPLOSIVES DETECTION CANINE**
2 **TEAM PROGRAM.**

3 (a) *IN GENERAL.*—Not later than 90 days after the
4 date that the Inspector General of the Department receives
5 the report under section 3(c), the Inspector General of the
6 Department shall—

7 (1) *review the explosives detection canine team*
8 *program, including—*

9 (A) *the development by the Transportation*
10 *Security Administration of a deployment strat-*
11 *egy for explosives detection canine teams;*

12 (B) *the national explosives detection canine*
13 *team training program, including canine train-*
14 *ing, handler training, refresher training, and*
15 *updates to such training; and*

16 (C) *the use of the canine assets during an*
17 *urgent security need, including the reallocation*
18 *of such program resources outside the transpor-*
19 *tation systems sector during an urgent security*
20 *need; and*

21 (2) *submit to the appropriate committees of Con-*
22 *gress a report on the review, including any rec-*
23 *ommendations.*

24 (b) *CONSIDERATIONS.*—*In conducting the review of the*
25 *deployment strategy under subsection (a)(1)(A), the Inspec-*
26 *tor General shall consider whether the Transportation Secu-*

1 rity Administration's method to analyze the risk to trans-
2 portation facilities and transportation systems is appro-
3 priate.

4 **SEC. 10. EXPANSION OF NATIONAL EXPLOSIVES DETEC-**
5 **TION CANINE TEAM PROGRAM.**

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

11 (b) *INCREASED CAPACITY.*—

12 (1) *IN GENERAL.*—Before the date the Inspector
13 General of the Department submits the report under
14 section 9, the Administrator may increase the number
15 of State and local surface and maritime transpor-
16 tation canines by not more than 70 explosives detec-
17 tion canine teams.

18 (2) *ADDITIONAL TEAMS.*—Beginning on the date
19 the Inspector General of the Department submits the
20 report under section 9, the Secretary may increase the
21 State and local surface and maritime transportation
22 canines up to 200 explosives detection canine teams
23 unless more are identified in the risk-based security
24 strategy under section 3, consistent with section 4 or

1 *with the President's most recent budget submitted*
2 *under section 1105 of title 31, United States Code.*

3 (3) *RECOMMENDATIONS.*—*Before initiating any*
4 *increase in the number of explosives detection teams*
5 *under paragraph (2), the Secretary shall consider any*
6 *recommendations in the report under section 9 on the*
7 *efficacy and management of the explosives detection*
8 *canine program.*

9 (c) *DEPLOYMENT.*—*The Secretary shall—*

10 (1) *use the additional explosives detection canine*
11 *teams, as described in subsection (b)(1), as part of the*
12 *Department's efforts to strengthen security across the*
13 *Nation's surface and maritime transportation net-*
14 *works;*

15 (2) *make available explosives detection canine*
16 *teams to all modes of transportation, subject to the re-*
17 *quirements under section 7, to address specific*
18 *vulnerabilities or risks, on an as-needed basis and as*
19 *otherwise determined appropriate by the Secretary;*
20 *and*

21 (3) *consider specific needs and training require-*
22 *ments for explosives detection canine teams to be de-*
23 *ployed across the Nation's surface and maritime*
24 *transportation networks, including in venues of mul-*

1 *tiple modes of transportation, as the Secretary con-*
2 *siders appropriate.*

3 *(d) AUTHORIZATION.—There are authorized to be ap-*
4 *propriated to the Secretary such sums as may be necessary*
5 *to carry out this section for each of fiscal years 2018*
6 *through 2021.*

7 **SEC. 11. NUCLEAR MATERIAL AND EXPLOSIVE DETECTION**
8 **TECHNOLOGY.**

9 *The Secretary, in coordination with the Director of the*
10 *National Institute of Standards and Technology and the*
11 *head of each relevant Federal department or agency re-*
12 *searching nuclear material detection systems or explosive*
13 *detection systems, shall research, facilitate, and, to the ex-*
14 *tent practicable, deploy next generation technologies, in-*
15 *cluding active neutron interrogation, to detect nuclear ma-*
16 *terial and explosives in transportation systems and trans-*
17 *portation facilities.*

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

21 *(a) SECURITY STANDARDS AND BEST PRACTICES FOR*
22 *UNITED STATES AND FOREIGN PASSENGER TRANSPORTATION SYSTEMS.—The Comptroller General of the United*
23 *States shall conduct a study of how the Transportation Security Administration—*
24 *States shall conduct a study of how the Transportation Security Administration—*
25 *curity Administration—*

1 (1) *identifies and compares—*

2 (A) *United States and foreign passenger*
3 *transportation security standards; and*

4 (B) *best practices for protecting passenger*
5 *transportation systems, including shared ter-*
6 *terminal facilities, and cyber systems; and*

7 (2) *disseminates the findings under paragraph*
8 (1) *to stakeholders.*

9 (b) *REPORT.—Not later than 18 months after the date*
10 *of enactment of this Act, the Comptroller General shall issue*
11 *a report that contains—*

12 (1) *the findings of the study conducted under*
13 *subsection (a); and*

14 (2) *any recommendations for improving the rel-*
15 *evant processes or procedures.*

16 **SEC. 13. AMTRAK SECURITY UPGRADES.**

17 (a) *RAILROAD SECURITY ASSISTANCE.—Section*
18 *1513(b) of the Implementing Recommendations of the 9/11*
19 *Commission Act of 2007 (6 U.S.C. 1163(b)) is amended—*

20 (1) *in paragraph (1), by striking the period at*
21 *the end and inserting “, including communications*
22 *interoperability where appropriate with relevant out-*
23 *side agencies and entities.”;*

24 (2) *in paragraph (5), by striking “security of”*
25 *and inserting “security and preparedness of”;*

1 (3) in paragraph (7), by striking “security
2 threats” and inserting “security threats and pre-
3 paredness, including connectivity to the National Ter-
4 rorist Screening Center”; and

5 (4) in paragraph (9), by striking “and security
6 officers” and inserting “, security, and preparedness
7 officers”.

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

11 (1) in subparagraph (D) by inserting “, or to
12 connect to the National Terrorism Screening Center
13 watchlist” after “Secretary”;

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

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

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

19 “(I) for improvements to passenger
20 verification systems;

21 “(J) for improvements to employee and con-
22 tractor verification systems, including identity
23 verification technology; or

1 “(K) for improvements to the security of
2 Amtrak computer systems, including cybersecu-
3 rity assessments and programs.”.

4 **SEC. 14. PASSENGER RAIL VETTING.**

5 (a) *IN GENERAL.*—Not later than 180 days after the
6 date on which the Amtrak Board of Directors submits a
7 request to the Administrator, the Administrator shall issue
8 a decision on the use by Amtrak of the Transportation Se-
9 curity Administration’s Secure Flight Program or a simi-
10 lar passenger vetting system to enhance passenger rail secu-
11 rity.

12 (b) *STRATEGIC PLAN.*—If the Administrator decides to
13 grant the request by Amtrak under subsection (a), the deci-
14 sion shall include a strategic plan for working with rail
15 stakeholders to enhance passenger rail security by vetting
16 passengers using terrorist watch lists maintained by the
17 Federal Government or a similar passenger vetting system
18 maintained by the Transportation Security Administra-
19 tion.

20 (c) *NOTICES.*—The Administrator shall notify the ap-
21 propriate committees of Congress of any decision made
22 under subsection (a) and the details of the strategic plan
23 under subsection (b).

24 (d) *RULE OF CONSTRUCTION.*—Nothing in this section
25 shall be construed to limit the Administrator’s authority to

1 *set the access to, or terms and conditions of using, the Se-*
2 *cure Flight Program or a similar passenger vetting system.*

3 **SEC. 15. STUDY ON SURFACE TRANSPORTATION INSPEC-**
4 **TORS.**

5 *Not later than 180 days after the date of enactment*
6 *of this Act, the Comptroller General of the United States*
7 *shall submit to the appropriate committees of Congress a*
8 *report that—*

9 *(1) identifies the roles and responsibilities of sur-*
10 *face transportation security inspectors authorized*
11 *under section 1304 of the Implementing Rec-*
12 *ommendations of the 9/11 Commission Act of 2007 (6*
13 *U.S.C. 1113);*

14 *(2) determines whether surface transportation se-*
15 *curity inspectors—*

16 *(A) have appropriate qualifications to help*
17 *secure and inspect surface transportation sys-*
18 *tems; and*

19 *(B) have adequate experience and training*
20 *to perform the responsibilities identified under*
21 *paragraph (1);*

22 *(3) evaluates feedback from surface transpor-*
23 *tation industry stakeholders on the effectiveness of*
24 *surface transportation security inspectors and inspec-*

1 *tion programs to the overall security of the surface*
2 *transportation systems of such stakeholders;*

3 *(4) evaluates the consistency of surface transpor-*
4 *tation inspections, recommendations, and regulatory*
5 *enforcement, where applicable;*

6 *(5) identifies any duplication or redundancy be-*
7 *tween the Transportation Security Administration*
8 *and the Department of Transportation relating to*
9 *surface transportation security inspections or over-*
10 *sight; and*

11 *(6) provides recommendations, if any, relating*
12 *to—*

13 *(A) improvements to the surface transpor-*
14 *tation security inspectors program, including—*

15 *(i) changes in organizational and su-*
16 *pervisory structures;*

17 *(ii) coordination procedures to enhance*
18 *consistency; and*

19 *(iii) effectiveness in inspection and*
20 *compliance activities; and*

21 *(B) whether each transportation mode needs*
22 *inspectors trained and qualified for that specific*
23 *mode.*

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

2 (a) *ESTABLISHMENT.*—*The Administrator shall estab-*
3 *lish a program to promote surface transportation security*
4 *through the training of surface transportation operators*
5 *and frontline employees on each of the skills identified in*
6 *subsection (c).*

7 (b) *APPLICATION.*—*The program established under*
8 *subsection (a) shall apply to all modes of surface transpor-*
9 *tation, including public transportation, rail, highway,*
10 *motor carrier, and pipeline.*

11 (c) *TRAINING.*—*The program established under sub-*
12 *section (a) shall cover, at a minimum, the skills necessary*
13 *to recognize, assess, and respond to suspicious items or ac-*
14 *tions that could indicate a threat to transportation.*

15 (d) *ASSESSMENT.*—

16 (1) *IN GENERAL.*—*The Administrator shall con-*
17 *duct an assessment of current training programs for*
18 *surface transportation operators and frontline em-*
19 *ployees.*

20 (2) *CONTENTS.*—*The assessment shall identify—*

21 (A) *whether other training is being pro-*
22 *vided, either voluntarily or in response to other*
23 *Federal requirements; and*

24 (B) *whether there are any gaps in existing*
25 *training.*

1 (e) *UPDATES.*—*The Administrator shall ensure the*
 2 *program established under subsection (a) is updated as nec-*
 3 *essary to address changes in risk and terrorist methods and*
 4 *to close any gaps identified in the assessment under sub-*
 5 *section (d).*

6 (f) *SUSPICIOUS ACTIVITY REPORTING.*—

7 (1) *IN GENERAL.*—*The Administrator shall*
 8 *maintain a national telephone number for an indi-*
 9 *vidual to use to report suspicious activity under this*
 10 *section to the Administration.*

11 (2) *PROCEDURES.*—*The Administrator shall es-*
 12 *tablish procedures for the Administration—*

13 (A) *to review and follow-up, as necessary,*
 14 *on each report received under paragraph (1);*
 15 *and*

16 (B) *to share, as necessary and in accord-*
 17 *ance with law, the report with appropriate Fed-*
 18 *eral, State, local, and tribal entities.*

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

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

24 (1) *an employee of a public transportation agen-*
 25 *cy who is a transit vehicle driver or operator, dis-*

1 *patcher, maintenance and maintenance support em-*
2 *ployee, station attendant, customer service employee,*
3 *security employee, or transit police, or any other em-*
4 *ployee who has direct contact with riders on a regular*
5 *basis, and any other employee of a public transpor-*
6 *tation agency that the Administrator determines*
7 *should receive security training under this section or*
8 *that is receiving security training under other law;*

9 *(2) over-the-road bus drivers, security personnel,*
10 *dispatchers, maintenance and maintenance support*
11 *personnel, ticket agents, other terminal employees,*
12 *and other employees of an over-the-road bus operator*
13 *or terminal owner or operator that the Administrator*
14 *determines should receive security training under this*
15 *section or that is receiving security training under*
16 *other law; or*

17 *(3) security personnel, dispatchers, locomotive*
18 *engineers, conductors, trainmen, other onboard em-*
19 *ployees, maintenance and maintenance support per-*
20 *sonnel, bridge tenders, and any other employees of*
21 *railroad carriers that the Administrator determines*
22 *should receive security training under this section or*
23 *that is receiving security training under other law.*

1 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—Subject to subsection (c), there are
3 authorized to be appropriated to the Secretary to award
4 surface transportation preparedness grants—

5 (1) \$250,000,000 for fiscal year 2018;

6 (2) \$275,000,000 for fiscal year 2019;

7 (3) \$300,000,000 for fiscal year 2020; and

8 (4) \$325,000,000 for fiscal year 2021.

9 (b) *ADDITIONAL AUTHORIZATION OF APPROPRIA-*
10 *TIONS.*—

11 (1) *IN GENERAL.*—Subject to subsection (c) and
12 in addition to the sums authorized to be appropriated
13 under subsection (a), if the certification described in
14 paragraph (2) is made during a fiscal year there is
15 authorized to be appropriated to the Secretary for the
16 purpose described in subsection (a) for that fiscal year
17 an additional amount as follows:

18 (A) \$250,000,000 for fiscal year 2018.

19 (B) \$300,000,000 for fiscal year 2019.

20 (C) \$350,000,000 for fiscal year 2020.

21 (D) \$400,000,000 for fiscal year 2021.

22 (2) *CERTIFICATIONS.*—A certification described
23 in this paragraph is a certification made by the Sec-
24 retary, in coordination with the Administrator, and
25 submitted to the appropriate committees of Congress
26 that the Secretary—

1 (A) has reviewed the criteria and selection
2 process for each surface transportation prepared-
3 ness grants program;

4 (B) has determined whether the criteria and
5 selection process adequately reflect the results of
6 the risk-based assessment and risk-based strategy
7 of the applicable transportation system under
8 section 3; and

9 (C) is in compliance with this paragraph
10 and paragraph (3).

11 (3) GAO STUDY.—Prior to submitting a certifi-
12 cation under paragraph (2), the Secretary shall re-
13 view the report under section 18 and take action on
14 each recommendation described in subsection (c)(2) of
15 that section.

16 (c) USE OF FUNDS.—Half of the amounts made avail-
17 able under subsections (a) and (b)(1) for a fiscal year shall
18 be used by the Secretary to award grants under the Port
19 Security Grant Program.

20 (d) DEFINITION OF SURFACE TRANSPORTATION PRE-
21 PAREDNESS GRANTS.—In this section, the term “surface
22 transportation preparedness grants” means grants awarded
23 under—

24 (1) the Intercity Passenger Rail Security Grant
25 Program;

- 1 (2) *the Intercity Bus Security Grant Program;*
- 2 (3) *the Rail Grant Program;*
- 3 (4) *the Transit Security Grant Program; and*
- 4 (5) *the Port Security Grant Program.*

5 **SEC. 18. GAO STUDY ON GRANTS.**

6 (a) *IN GENERAL.*—*Not later than 90 days after the*
7 *date of enactment of this Act, the Comptroller General of*
8 *the United States shall study the management and effective-*
9 *ness of the programs administering surface transportation*
10 *preparedness grants (as defined in section 17).*

11 (b) *CONSIDERATIONS.*—*In conducting the study under*
12 *subsection (a), the Comptroller General shall consider for*
13 *each applicable program whether—*

14 (1) *the Transportation Security Administra-*
15 *tion’s criteria for surface transportation preparedness*
16 *grants reflects the risk-based strategy under section 3;*

17 (2) *the Department’s grant selection process and*
18 *implementation decisions reflect the risk-based strat-*
19 *egy under section 3;*

20 (3) *the applicable program’s effectiveness at de-*
21 *creasing vulnerability can be and has been assessed;*
22 *and*

23 (4) *the Department is providing sufficient over-*
24 *sight of the applicable program to ensure the grant*

1 *funds are used for the purpose described in the grant*
2 *application.*

3 *(c) REPORT.—Not later than 180 days after the date*
4 *of enactment of this Act, the Comptroller General shall sub-*
5 *mit to the appropriate committees of Congress a report on*
6 *the study under subsection (a), including—*

7 *(1) the findings of the study; and*

8 *(2) any recommendations for improving the ap-*
9 *plicable programs.*

10 **SEC. 19. VOLUNTARY USE OF CREDENTIALING.**

11 *(a) IN GENERAL.—An individual who is subject to*
12 *credentialing or a background investigation may satisfy*
13 *that requirement by obtaining a valid transportation secu-*
14 *rity card issued under section 70105 of title 46, United*
15 *States Code.*

16 *(b) ISSUANCE OF CARDS.—The Secretary of Homeland*
17 *Security—*

18 *(1) shall expand the transportation security card*
19 *program, consistent with section 70105 of title 46,*
20 *United States Code, to allow an individual who is*
21 *subject to credentialing or a background investigation*
22 *to apply for a transportation security card; and*

23 *(2) may charge reasonable fees, in accordance*
24 *with section 520(a) of the Department of Homeland*
25 *Security Appropriations Act, 2004 (6 U.S.C. 469(a)),*

1 for providing the necessary credentialing and back-
2 ground investigation.

3 (c) *DEFINITION.*—*In this section, the term “individual*
4 *who is subject to credentialing or a background investiga-*
5 *tion” means an individual who—*

6 (1) *because of employment is regulated by the*
7 *Transportation Security Administration, Department*
8 *of Transportation, or Coast Guard and is required to*
9 *have a background records check to obtain a haz-*
10 *ardous materials endorsement on a commercial driv-*
11 *er’s license issued by a State under section 5103a of*
12 *title 49, United States Code; or*

13 (2) *is required to have a credential and back-*
14 *ground records check under section 2102(d)(2) of the*
15 *Homeland Security Act of 2002 (6 U.S.C. 622(d)(2))*
16 *at a facility with activities that are regulated by the*
17 *Transportation Security Administration, Department*
18 *of Transportation, or Coast Guard.*

19 **SEC. 20. BACKGROUND RECORDS CHECKS FOR ISSUANCE**
20 **OF HAZMAT LICENSES.**

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

23 “(3) *TRANSPORTATION SECURITY CARDS.*—*An*
24 *individual who holds a valid transportation security*
25 *card issued by the Secretary of the department in*

1 *which the Coast Guard is operating under section*
2 *70105 of title 46 shall be deemed to have met the*
3 *background records check required under this sub-*
4 *section.”.*

5 **SEC. 21. CARGO CONTAINER SCANNING TECHNOLOGY RE-**
6 **VIEW.**

7 *(a) DESIGNATIONS.—*

8 *(1) IN GENERAL.—Not later than 1 year after*
9 *the date of enactment of this Act, and not less fre-*
10 *quently than once every 5 years thereafter until the*
11 *date of full-scale implementation of 100 percent*
12 *screening of cargo containers and 100 percent scan-*
13 *ning of high-risk containers required under section*
14 *232 of the SAFE Port Act (6 U.S.C. 982), the Sec-*
15 *retary shall solicit proposals for scanning tech-*
16 *nologies, consistent with the standards under sub-*
17 *section (b)(8) of that section, to improve scanning of*
18 *cargo at domestic ports.*

19 *(2) EVALUATION.—In soliciting proposals under*
20 *paragraph (1), the Secretary shall establish measures*
21 *to assess the performance of the proposed scanning*
22 *technologies, including—*

23 *(A) the rate of false positives;*

24 *(B) the delays in processing times; and*

25 *(C) the impact on the supply chain.*

1 **(b) PILOT PROGRAM.**—

2 **(1) ESTABLISHMENT.**—*The Secretary may estab-*
3 *lish a pilot program to determine the efficacy of a*
4 *scanning technology referred to in subsection (a).*

5 **(2) APPLICATION PROCESS.**—*In carrying out the*
6 *pilot program under this subsection, the Secretary*
7 *shall—*

8 **(A)** *solicit applications from domestic ports;*

9 **(B)** *select up to 4 domestic ports to partici-*
10 *pate in the pilot program; and*

11 **(C)** *select ports with unique features and*
12 *differing levels of trade volume.*

13 **(3) REPORT.**—*Not later than 1 year after initi-*
14 *ating a pilot program under paragraph (1), the Sec-*
15 *retary shall submit to the appropriate committees of*
16 *Congress a report on the pilot program, including—*

17 **(A)** *an evaluation of the scanning tech-*
18 *nologies proposed to improve security at domes-*
19 *tic ports and to meet the full-scale implementa-*
20 *tion requirement;*

21 **(B)** *the costs to implement a pilot program;*

22 **(C)** *the benefits of the proposed scanning*
23 *technologies;*

24 **(D)** *the impact of the pilot program on the*
25 *supply chain; and*

1 (E) recommendations for implementation of
2 advanced cargo scanning technologies at domes-
3 tic ports.

4 (4) *SHARING PILOT PROGRAM TESTING RE-*
5 *SULTS.—The results of the pilot testing of advanced*
6 *cargo scanning technologies shall be shared, as appro-*
7 *priate, with government agencies and private stake-*
8 *holders whose responsibilities encompass the secure*
9 *transport of cargo.*

10 **SEC. 22. TECHNICAL AND CONFORMING AMENDMENTS.**

11 (a) *TRANSPORTATION SECURITY ADMINISTRATION.—*
12 *Section 114 of title 49, United States Code, is amended by*
13 *redesignating subsections (u), (v), and (w) as subsections*
14 *(t), (u), and (v), respectively.*

15 (b) *TRANSPORTATION SECURITY STRATEGIC PLAN-*
16 *NING.—Section 114(s)(3)(B) of title 49, United States Code,*
17 *is amended by striking “2007” and inserting “2007”).*

18 (c) *CONGRESSIONAL OVERSIGHT OF SECURITY ASSUR-*
19 *ANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—Section*
20 *1203(b)(1)(B) of the Implementing Recommendations of the*
21 *9/11 Commission Act of 2007 (49 U.S.C. 114 note) is*
22 *amended by striking “, under section 114(u)(7) of title 49,*
23 *United States Code, as added by this section, or otherwise,”.*

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To improve surface and maritime transportation security.

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