

**Calendar No. 251**

115TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
115-178

SURFACE AND MARITIME TRANSPORTATION  
SECURITY ACT

---

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND  
TRANSPORTATION

ON

S. 763



OCTOBER 25, 2017.—Ordered to be printed

---

U.S. GOVERNMENT PUBLISHING OFFICE

79-010

WASHINGTON : 2017

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

JOHN THUNE, South Dakota, *Chairman*

ROGER F. WICKER, Mississippi	BILL NELSON, Florida
ROY BLUNT, Missouri	MARIA CANTWELL, Washington
TED CRUZ, Texas	AMY KLOBUCHAR, Minnesota
DEB FISCHER, Nebraska	RICHARD BLUMENTHAL, Connecticut
JERRY MORAN, Kansas	BRIAN SCHATZ, Hawaii
DAN SULLIVAN, Alaska	EDWARD J. MARKEY, Massachusetts
DEAN HELLER, Nevada	CORY A. BOOKER, New Jersey
JAMES M. INHOFE, Oklahoma	TOM UDALL, New Mexico
MIKE LEE, Utah	GARY C. PETERS, Michigan
RON JOHNSON, Wisconsin	TAMMY BALDWIN, Wisconsin
SHELLEY MOORE CAPITO, West Virginia	TAMMY DUCKWORTH, Illinois
CORY GARDNER, Colorado	MARGARET WOOD HASSAN, New Hampshire
TODD C. YOUNG, Indiana	CATHERINE CORTEZ MASTO, Nevada

NICK ROSSI, *Staff Director*

ADRIAN ARNAKIS, *Deputy Staff Director*

JASON VAN BEEK, *General Counsel*

KIM LIPSKY, *Democratic Staff Director*

CHRISTOPHER DAY, *Democratic Deputy Staff Director*

## Calendar No. 251

115TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
115-178

---

---

### SURFACE AND MARITIME TRANSPORTATION SECURITY ACT

---

OCTOBER 25, 2017.—Ordered to be printed

---

Mr. THUNE, from the Committee on Commerce, Science, and  
Transportation, submitted the following

### R E P O R T

[To accompany S. 763]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 763) to improve surface and maritime transportation security, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

#### PURPOSE OF THE BILL

The purpose of this legislation is to enhance the security of our surface transportation systems, and for other purposes.

#### BACKGROUND AND NEEDS

The Transportation Security Administration (TSA) is responsible for the oversight, cooperation, and regulation of surface transportation systems, including mass transit, rail, highways, and pipelines. TSA also supports maritime security efforts. Recent security incidents highlight the continued threat to soft targets, including open transportation systems like passenger rail and mass transit, and the use of commercial motor vehicles to perpetrate attacks. In addition, potential attacks on freight transportation networks including ports, railroads, and pipelines, present economic and public safety threats.

The majority of TSA's budget is dedicated to aviation security, particularly to staffing requirements at airports. Surface transportation makes up less than 2 percent of TSA's budget. Of the agen-

cy's more than 50,000 full-time employees, fewer than 1,000 work on surface transportation security. Congress has appropriated funding to surface and maritime security grant programs. Surface transportation security grants include transit, freight rail, intercity rail, intercity bus, and port security grants. TSA reviews and prioritizes projects for the grant programs, and they are administered to State and local agencies through the Federal Emergency Management Agency (FEMA). These programs fund security related projects for surface transportation and ports. In fiscal year (FY) 2017, Congress appropriated \$200 million for these grant programs.

The Committee held several hearings on TSA to review TSA's efforts to address surface transportation security. The Department of Homeland Security Inspector General (DHS IG) testified that TSA lacked an intelligence-driven risk-based security strategy that informs security and resource decisions across all modes of transportation; had not fully implemented internal controls that strengthen the reliability of port worker background checks; and had not implemented regulations governing passenger rail security, established a rail training program, nor conducted security background checks of frontline employees.<sup>1</sup> Testimony from industry stakeholders highlighted the need for additional canine teams and support for surface transportation grant programs.<sup>2</sup>

Overall, surface transportation stakeholders report positive relationships with TSA, but the agency does not operate in a fully transparent manner. Congress and stakeholders are often notified after significant decisions are made, or not notified at all about problematic programs, security issues, or administrative challenges.

#### SUMMARY OF PROVISIONS

S. 763, the Surface and Maritime Transportation Security Act, would do the following:

- Direct TSA to conduct a risk-based assessment of current threats and vulnerabilities to our surface transportation systems.
- Direct TSA to conduct risk-based budgeting across all transportation modes based on a risk analysis.
- Require a review of TSA's surface transportation security programs and TSA's coordination with other stakeholders.
- Increase transparency by requiring TSA's budget submission to clearly indicate which resources will be used for surface transportation.
- Establish a surface transportation security advisory committee.
- Increase the number of explosives detection canine teams and require a DHS IG review of the program.

<sup>1</sup>U.S. Congress, Senate Committee on Commerce, Science, and Transportation, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, *Assessing the Security of Our Critical Transportation Infrastructure*, 114th Congress, 2nd session, December 7, 2016, at [https://www.commerce.senate.gov/public/index.cfm/hearings?ID=E4F15992-4345-4E6E-9937-45917959BB15.X2016\\_DHS\\_Budget\\_in\\_Brief.pdf](https://www.commerce.senate.gov/public/index.cfm/hearings?ID=E4F15992-4345-4E6E-9937-45917959BB15.X2016_DHS_Budget_in_Brief.pdf).

<sup>2</sup>Ibid.

- Require a Government Accountability Office (GAO) study on security best practices in surface transportation systems around the world.
- Increase passenger rail security by expanding eligible grant activities and the use of TSA passenger vetting systems for rail passengers.
- Require a GAO study on the effectiveness of surface transportation security inspectors, including training and hiring practices.
- Authorize a program to train surface transportation front-line employees to identify and respond to threats, including the training of commercial truck drivers.

#### LEGISLATIVE HISTORY

S. 763, the Surface and Maritime Transportation Security Act, was introduced on March 29, 2017, by Senators Thune, Nelson, Fischer, and Booker. A similar bill, S. 3379, was introduced at the end of 114th Congress by Senators Thune, Nelson, Fischer, and Booker.

A hearing was held on December 2, 2016, titled, “Assessing the Security of our Critical Infrastructure.” During the hearing, the Committee examined surface security issues with representatives from industry and the DHS IG’s office as witnesses. The hearing reaffirmed the need to ensure TSA better incorporates surface security in its risk assessment and resource allocations.

On April 5, 2017, the Committee met in open Executive Session and, by voice vote, ordered S. 763 to be reported favorably with an amendment (in the nature of a substitute). The Committee adopted a substitute amendment offered by Senators Thune and Nelson that added grant authorization provisions, and an additional amendment by Senator Baldwin that included nuclear detection technology research to the bill.

#### ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

##### *S. 763—Surface and Maritime Transportation Security Act*

Summary: The Department of Homeland Security (DHS) is responsible for ensuring the security of the nation’s transportation systems, particularly at points of entry into the United States by air, land, and sea. S. 763 would authorize appropriations totaling \$2.5 billion for grants to enhance the security of surface and maritime transportation systems and the bill also would require DHS to pursue a range of activities aimed at identifying and addressing the vulnerabilities of such systems. Assuming appropriation of the estimated and authorized amounts, CBO estimates that implementing S. 763 would cost \$1.3 billion over the 2018–2022 period, and an additional \$1.2 billion after 2022.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 763 would not increase net direct spending or on-

budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 763 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary effect of S. 763 is shown in the following table. The costs of this legislation fall within budget functions 450 (community and regional development) and 400 (transportation).

	By fiscal year, in millions of dollars—						
	2017	2018	2019	2020	2021	2022	2017–2022
INCREASES IN SPENDING SUBJECT TO APPROPRIATION							
Preparedness Grants:							
Authorization Level .....	0	500	575	650	725	0	2,450
Estimated Outlays .....	0	35	115	232	378	471	1,231
TSA Activities:							
Estimated Authorization Level	0	8	7	16	20	23	74
Estimated Outlays .....	0	8	7	16	20	23	74
Total Changes:							
Estimated Authorization							
Level .....	0	508	582	666	745	23	2,524
Estimated Outlays .....	0	43	122	248	398	494	1,305

TSA = Transportation Security Administration

Note: Implementing the bill would increase outlays by another \$1.2 billion in years after 2022.

Basis of estimate: Federal activities to safeguard U.S. transportation systems are carried out by multiple agencies within DHS. The Transportation Security Administration (TSA) performs most activities related to aviation security and works collaboratively with nonfederal operators of surface transportation systems to promote the security of such systems. The Coast Guard is primarily responsible for securing the ports, coastlines, and waterways that comprise the nation's maritime transportation system. Finally, the Federal Emergency Management Agency (FEMA) administers a variety of programs that provide grants to state and local governments and other operators of surface transportation systems and ports to support security-related activities.

S. 763 would authorize funding for preparedness grants to enhance the security of surface and maritime transportation systems and would require DHS—acting primarily through TSA—to pursue a range of activities aimed at identifying and addressing vulnerabilities of such systems. For purposes of this estimate CBO assumes the bill will be enacted by the end of 2017 and that the authorized and estimated amounts will be appropriated each year.

#### *Preparedness Grants*

S. 763 would authorize appropriations totaling \$2.5 billion over the 2018–2021 period for grants, administered by FEMA, to enhance the security of operations and infrastructure related to surface and maritime transportation systems. (The Congress provided \$200 million for such grants in 2017.) Under the bill, half of those amounts would be spent for grants to mitigate maritime-related security risks, particularly at ports. The other half would support grants to operators of rail, bus, and transit systems. Based on historical spending patterns for those grant programs, CBO estimates that spending for grants under S. 763 would total \$1.2 billion over the 2018–2022 period and \$1.2 billion in later years.

### *TSA Activities*

Relative to current law, S. 763 would expand TSA's responsibilities related to surface and maritime transportation. Taken as a whole, CBO estimates that meeting those responsibilities would increase the agency's costs by \$74 million over the 2018–2022 period. (The Congress provided \$72 million for TSA's surface and maritime transportation security programs in 2017.) Those costs stem primarily from provisions that would increase spending for canine teams to detect explosives, authorized vetting of rail passengers, and a variety of other requirements.

**Canine Teams.** S. 763 would authorize TSA to significantly expand the number of canine teams used to detect explosives within surface and maritime transportation systems. According to TSA, funding provided for 2017 currently supports 181 such teams. S. 763 would authorize the agency to add up to 70 new teams initially and up to 200 additional teams in later years, depending on the outcome of certain studies and reviews required under the bill. For this estimate, CBO expects that the agency would add 70 new teams in 2018 and, starting in 2020, gradually add 200 more teams for a total of 270 new teams by 2022. Based on an analysis of information from TSA on the historical costs of training and maintaining canine teams, CBO estimates that adding those teams would cost \$6 million in 2018 and \$51 million over the 2018–2022 period.

**Vetting for Rail Passengers.** Under current law, TSA administers a variety of vetting programs, particularly to ensure that individuals traveling on commercial flights are not among those listed on terrorist watch lists maintained by the federal government. If requested by the board of directors of Amtrak, S. 763 would authorize TSA to expand vetting services to rail passengers. CBO estimates implementing that provision would cost \$18 million over the 2018–2022 period. That estimate is based on an analysis of information from TSA and Amtrak about the historical cost of similar activities, particularly TSA's programs for vetting air passengers and includes \$3 million in upfront costs for Amtrak to develop systems for gathering data from passengers—an effort CBO expects would take about two years. Starting in 2020, CBO estimates the agencies would spend roughly \$5 million annually to share data, vet passengers, and communicate results.

**Other Requirements.** S. 763 would require TSA to complete a broad set of comprehensive analyses of vulnerabilities of surface and maritime transportation systems and existing efforts to address them. The bill would specify new responsibilities for TSA with regard to maritime transportation security, expand activities related to training certain TSA employees, and direct the agency (and others) to complete a variety of studies and reports. Based on an analysis of information from TSA, CBO estimates that meeting those new and expanded responsibilities would require a handful of additional staff and cost about \$1 million annually.

**Pay-As-You-Go considerations:** None.

**Increase in long-term direct spending and deficits:** CBO estimates that enacting S. 763 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

**Intergovernmental and private-sector impact:** S. 763 contains no intergovernmental or private-sector mandates as defined in UMRA.

The bill would benefit public entities, such as surface and maritime transportation systems. It would authorize federal funding for security assistance grants and give recipients greater flexibility in how those grants may be used. Any costs incurred by those entities, including cost-sharing contributions, would result from conditions of receiving federal assistance.

Estimate prepared by: Federal costs: Megan Carroll (TSA), Sarah Puro (Amtrak), and Robert Reese (FEMA); Impact on state, local, and tribal governments: Jon Sperl; Impact on the private sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss; Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

##### NUMBER OF PERSONS COVERED

The bill is intended to improve transportation security. The bill affects TSA and other entities already subject to TSA rules and regulations, and therefore the number of persons covered would be consistent with the current levels of individuals impacted under the provisions that are addressed in the bill.

##### ECONOMIC IMPACT

The bill is not expected to have any adverse economic impacts and may have positive economic impacts by reducing the risk of a terrorist attack and finding efficiencies in certain credentialing processes.

##### PRIVACY

S. 763 would not impact the personal privacy of individuals.

##### PAPERWORK

S. 763 would not increase paperwork requirements for either private individuals or businesses. The bill would require seven reports from the Federal Government, which are aimed at improving the security of the various surface transportation systems or are necessary for oversight.

##### CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.



## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title; table of contents.*

This section would provide that the Act may be cited as the “Surface and Maritime Transportation Security Act,” and a table of contents.

*Section 2. Definitions.*

This section would define terms used in the bill.

*Section 3. Surface and maritime transportation security assessment and implementation of risk-based strategy.*

This section would require the Administrator of TSA (Administrator) to conduct a vulnerabilities and risk assessment for surface transportation using current threat intelligence.

This section would further require the Administrator to develop and implement a multi-modal, risk-based strategic plan to mitigate threats identified in the risk assessment, and coordinate with other stakeholders in the implementation of the plan.

This section would further require the Administrator to report to Congress on the security assessment and the implementation of the risk-based plan, and to provide updates not less frequently than semiannually.

*Section 4. Risk-based budgeting and resource allocation.*

This section would require TSA’s budget to reflect the risk-based strategy under section 3 and its submissions to clearly indicate which resources would be used for surface transportation security and which will be dedicated to aviation.

This section would further require TSA to notify Congress if agency resources, including staff, are used for purposes not related to transportation security.

*Section 5. Surface and maritime transportation security management and interagency coordination review.*

This section would require a GAO review of TSA’s surface transportation program management structure, including the allocation of staff to different modes of transportation, and how the programs are developed, managed, and implemented. As part of the above review, GAO would be required to examine how TSA can improve coordination between other Federal, State, local, or industry stakeholders to reduce redundancy and regulatory burden.

*Section 6. Transparency.*

This section would require TSA to regularly update a public website on the status of long overdue surface transportation rulemakings.

This section would further require the DHS IG to submit a report to Congress identifying the status of various rulemakings, describing potential actions to be taken, and making recommendations on whether any requirements should be amended or repealed.

*Section 7. TSA counterterrorism asset deployment.*

This section would require, except during times of urgent need, the Administrator to provide a 2-week notification to any affected stakeholder before terminating any TSA resource that was provided for 6 months or more.

*Section 8. Surface Transportation Security Advisory Committee.*

This section would require the Administrator to establish a surface transportation security advisory committee to advise, consult with, and make recommendations to the Administrator on surface transportation security matters, including policies and rulemakings.

*Section 9. Review of the explosives detection canine team program.*

This section would require the DHS IG to conduct a review of the National Explosives Detection Canine Team Program, including the development of a deployment strategy, the training program, and use of canine assets during an urgent security need.

*Section 10. Expansion of national explosives detection canine team program.*

This section would allow for the immediate expansion of 70 additional canine teams upon passage of the legislation (there are currently 169 canine teams from this program dedicated to surface modes of transportation). It would allow the Secretary of Commerce (Secretary) to increase the number of teams after considering the DHS IG's recommendations from the report in section 9.

*Section 11. Nuclear material and explosive detection technology.*

This section would require the Administrator, in coordination with the Director of the National Institute of Standards and Technology, and the head of each relevant Federal department or agency researching nuclear material or explosive detection systems to research and develop Next Generation technologies to detect nuclear material and explosives in transportation systems and transportation facilities.

*Section 12. Study on security standards and best practices for passenger transportation systems.*

This section would require GAO to conduct a study of how TSA identifies international security best practices and disseminates that information to stakeholders.

*Section 13. Amtrak security upgrades.*

This section would allow Amtrak to use security grant funding for additional purposes, such as to improve passenger manifest systems to ensure that passengers can be identified.

*Section 14. Passenger rail vetting.*

This section would authorize the use of TSA passenger vetting systems for rail passengers.

*Section 15. Study on surface transportation inspectors.*

This section would require GAO to review and submit a report to Congress on the effectiveness of surface transportation security inspectors, including hiring practices and training standards. The report would examine the extent to which TSA has used a risk-based, strategic approach to determine the appropriate number of surface transportation security inspectors and if the TSA's surface transportation inspection policies are risk-based.

*Section 16. Security awareness program.*

This section would establish a program to promote surface transportation security through the training of surface transportation operators and frontline employees, including commercial truck drivers.

*Section 17. Authorization of appropriations.*

This section would authorize \$250 million in FY 2018, \$275 million in FY 2019, \$300 million in FY 2020, and \$325 million in FY 2021 for surface transportation security grant programs. These authorizations would increase by an additional \$250 million, \$300 million, \$350 million, and \$400 million, respectively, pending the Secretary's certification of the surface transportation security grant programs and the completion of any GAO recommendations.

*Section 18. GAO study on grants.*

This section would require a GAO study on the management and efficacy of the surface transportation preparedness grants.

*Section 19. Voluntary use of credentialing.*

This section would authorize the voluntary use of Transportation Worker Identification Credential (TWIC) for individuals, who because of employment, are regulated by TSA, the Department of Transportation, or the Coast Guard.

*Section 20. Background records checks for issuance of hazmat licenses.*

This section would allow States to use a valid TWIC as proof of a completed security threat assessment, saving an individual from having to pay a duplicative assessment fee when screened for a hazardous materials endorsement.

*Section 21. Cargo container scanning technology review.*

This section would require a review of new technologies to meet the 100 percent cargo-scanning mandate under the SAFE Port Act<sup>3</sup>, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007.<sup>4</sup> It also would authorize a cargo screening pilot program to determine the efficacy of scanning technologies.

---

<sup>3</sup>P.L. 109-347, 120 Stat. 1884.

<sup>4</sup>P.L. 110-53, 121 Stat. 266.

*Section 22. Repeal of biennial reporting requirement for the Government Accountability Office relating to the Transportation Security Information sharing plan.*

This section would repeal a GAO survey of stakeholders on TSA intelligence products. Results of the study have been the same for several years.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 49. TRANSPORTATION

SUBTITLE III. GENERAL AND INTERMODAL PROGRAMS

CHAPTER 51. TRANSPORTATION OF HAZARDOUS MATERIAL

**§ 114. Transportation Security Administration**

(a) \* \* \*

(s) TRANSPORTATION SECURITY STRATEGIC PLANNING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall develop, prepare, implement, and update, as needed—

(A) a National Strategy for Transportation Security; and

(B) transportation modal security plans addressing security risks, including threats, vulnerabilities, and consequences, for aviation, railroad, ferry, highway, maritime, pipeline, public transportation, over-the-road bus, and other transportation infrastructure assets.

(2) ROLE OF SECRETARY OF TRANSPORTATION.—The Secretary of Homeland Security shall work jointly with the Secretary of Transportation in developing, revising, and updating the documents required by paragraph (1).

(3) CONTENTS OF NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—The National Strategy for Transportation Security shall include the following:

(A) An identification and evaluation of the transportation assets in the United States that, in the interests of national security and commerce, must be protected from attack or disruption by terrorist or other hostile forces, including modal security plans for aviation, bridge and tunnel, commuter rail and ferry, highway, maritime, pipeline, rail, mass transit, over-the-road bus, and other public transportation infrastructure assets that could be at risk of such an attack or disruption.

(B) The development of risk-based priorities, based on risk assessments conducted or received by the Secretary of Homeland Security (including assessments conducted under the Implementing Recommendations of the 9/11 Commission Act of [2007] 2007) across all transportation modes and realistic deadlines for addressing security needs associated with those assets referred to in subparagraph (A).

(C) The most appropriate, practical, and cost-effective means of defending those assets against threats to their security.

(D) A forward-looking strategic plan that sets forth the agreed upon roles and missions of Federal, State, regional, local, and tribal authorities and establishes mechanisms for encouraging cooperation and participation by private sector entities, including nonprofit employee labor organizations, in the implementation of such plan.

(E) A comprehensive delineation of prevention, response, and recovery responsibilities and issues regarding threatened and executed acts of terrorism within the United States and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems.

(F) A prioritization of research and development objectives that support transportation security needs, giving a higher priority to research and development directed toward protecting vital transportation assets. Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security or the Secretary of Transportation before the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.

(G) A 3- and 10-year budget for Federal transportation security programs that will achieve the priorities of the National Strategy for Transportation Security.

(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation.

(I) Transportation modal security plans described in paragraph (1)(B), including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or other incident. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942) and the National Maritime Transportation Security Plan required under section 70103(a) of title 46.

(4) SUBMISSIONS OF PLANS TO CONGRESS.—

(A) INITIAL STRATEGY.—The Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including the transportation modal security plans, developed under this subsection to the appropriate congressional committees not later than April 1, 2005.

(B) SUBSEQUENT VERSIONS.—After December 31, 2005, the Secretary of Homeland Security shall submit the National Strategy for Transportation Security, including the transportation modal security plans and any revisions to

the National Strategy for Transportation Security and the transportation modal security plans, to appropriate congressional committees not less frequently than April 1 of each even-numbered year.

(C) PERIODIC PROGRESS REPORT.—

(i) REQUIREMENT FOR REPORT.—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary of Homeland Security shall submit to the appropriate congressional committees an assessment of the progress made on implementing the National Strategy for Transportation Security, including the transportation modal security plans.

(ii) CONTENT.—Each progress report submitted under this subparagraph shall include, at a minimum, the following:

(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

(II) An accounting of all grants for transportation security, including grants and contracts for research and development, awarded by the Secretary of Homeland Security in the most recent fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

(III) An accounting of all—

(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recent fiscal year for transportation security, by mode;

(bb) personnel working on transportation security by mode, including the number of contractors; and

(cc) information on the turnover in the previous year among senior staff of the Department of Homeland Security, including component agencies, working on transportation security issues. Such information shall include the number of employees who have permanently left the office, agency, or area in which they worked, and the amount of time that they worked for the Department.

(iii) Written explanation of transportation security activities not delineated in the National Strategy for Transportation Security. At the end of each fiscal year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any Federal transportation security activity that is inconsistent with the National Strategy for Transportation Security, including the amount of

funds to be expended for the activity and the number of personnel involved.

(D) CLASSIFIED MATERIAL.—Any part of the National Strategy for Transportation Security or the transportation modal security plans that involve information that is properly classified under criteria established by Executive order shall be submitted to the appropriate congressional committees separately in a classified format.

(E) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(5) PRIORITY STATUS.—

(A) IN GENERAL.—The National Strategy for Transportation Security shall be the governing document for Federal transportation security efforts.

(B) OTHER PLANS AND REPORTS.—The National Strategy for Transportation Security shall include, as an integral part or as an appendix—

(i) the current National Maritime Transportation Security Plan under section 70103 of title 46;

(ii) the report required by section 44938 of this title;

(iii) transportation modal security plans required under this section;

(iv) the transportation sector specific plan required under Homeland Security Presidential Directive-7; and

(v) any other transportation security plan or report that the Secretary of Homeland Security determines appropriate for inclusion.

(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in coordination with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall make available and appropriately publicize an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders, including nonprofit employee labor organizations representing transportation employees, institutions of higher learning, and other appropriate entities.

[(u)](t) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

(1) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” has the meaning given that term in subsection (s)(4)(E).

(B) PLAN.—The term “Plan” means the Transportation Security Information Sharing Plan established under paragraph (2).

(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term “public and private stakeholders” means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations representing transportation employees.

(D) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(E) TRANSPORTATION SECURITY INFORMATION.—The term “transportation security information” means information relating to the risks to transportation modes, including aviation, public transportation, railroad, ferry, highway, maritime, pipeline, and over-the-road bus transportation, and may include specific and general intelligence products, as appropriate.

(2) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the Plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

(3) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

(4) CONTENT OF PLAN.—The Plan shall include—

(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center described in section 1410 of the Implementing Recommendations of the 9/11 Commission Act of 2007;

(B) the establishment of a point of contact, which may be a single point of contact within the Department of Homeland Security, for each mode of transportation for the sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;



- (C) a reasonable deadline by which the Plan will be implemented; and
  - (D) a description of resource needs for fulfilling the Plan.
- (5) COORDINATION WITH INFORMATION SHARING.—The Plan shall be—

(A) implemented in coordination, as appropriate, with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

(B) consistent with the establishment of the information sharing environment and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of the information sharing environment.

(6) REPORTS TO CONGRESS.—

(A) IN GENERAL.—Not later than 150 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the appropriate congressional committees, a report containing the Plan.

(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report on updates to and the implementation of the Plan.

(7) SECURITY CLEARANCES.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for designated public and private stakeholders to receive and obtain access to classified information distributed under this section, as appropriate.

(8) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide designated public and private stakeholders with transportation security information in an unclassified format.

**[(v)](u) ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY.—**

(1) APPLICATION OF SUBSECTION.—

(A) IN GENERAL.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of chapter 701 of title 46 and under a provision of this title other than a provision of chapter 449 (in this subsection referred to as an “applicable provision of this title”).

(B) VIOLATIONS OF CHAPTER 449.—The penalties for violations of regulations prescribed and orders issued by the Secretary of Homeland Security under chapter 449 of this title are provided under chapter 463 of this title.

(C) NONAPPLICATION TO CERTAIN VIOLATIONS.—

(i) Paragraphs (2) through (5) do not apply to violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title—

(I) involving the transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility;

(II) by a member of the armed forces of the United States when performing official duties; or  
 (III) by a civilian employee of the Department of Defense when performing official duties.

(ii) Violations described in subclause (I), (II), or (III) of clause (i) shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee.

(2) CIVIL PENALTY.—

(A) IN GENERAL.—A person is liable to the United States Government for a civil penalty of not more than \$10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under an applicable provision of this title.

(B) REPEAT VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.

(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—

(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under an applicable provision of this title. The Secretary shall give written notice of the finding of a violation and the penalty.

(B) SCOPE OF CIVIL ACTION.—In a civil action to collect a civil penalty imposed by the Secretary under this subsection, a court may not re-examine issues of liability or the amount of the penalty.

(C) JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction of civil actions to collect a civil penalty imposed by the Secretary under this subsection if—

(i) the amount in controversy is more than—

(I) \$400,000, if the violation was committed by a person other than an individual or small business concern; or

(II) \$50,000 if the violation was committed by an individual or small business concern;

(ii) the action is in rem or another action in rem based on the same violation has been brought; or

(iii) another action has been brought for an injunction based on the same violation.

(D) MAXIMUM PENALTY.—The maximum civil penalty the Secretary administratively may impose under this paragraph is—

(i) \$400,000, if the violation was committed by a person other than an individual or small business concern; or

(ii) \$50,000, if the violation was committed by an individual or small business concern.

(E) NOTICE AND OPPORTUNITY TO REQUEST HEARING.—Before imposing a penalty under this section the Secretary shall provide to the person against whom the penalty is to be imposed—

(i) written notice of the proposed penalty; and

(ii) the opportunity to request a hearing on the proposed penalty, if the Secretary receives the request not

later than 30 days after the date on which the person receives notice.

(4) COMPROMISE AND SETOFF.—

(A) The Secretary may compromise the amount of a civil penalty imposed under this subsection.

(B) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(5) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 shall apply to investigations and proceedings brought under this subsection to the same extent that it applies to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.

(6) DEFINITIONS.—In this subsection:

(A) PERSON.—The term “person” does not include—

- (i) the United States Postal Service; or
- (ii) the Department of Defense.

(B) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(7) ENFORCEMENT TRANSPARENCY.—

(A) IN GENERAL.—Not later than December 31, 2008, and annually thereafter, the Secretary shall—

(i) provide an annual summary to the public of all enforcement actions taken by the Secretary under this subsection; and

(ii) include in each such summary the docket number of each enforcement action, the type of alleged violation, the penalty or penalties proposed, and the final assessment amount of each penalty.

(B) ELECTRONIC AVAILABILITY.—Each summary under this paragraph shall be made available to the public by electronic means.

(C) RELATIONSHIP TO THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT.—Nothing in this subsection shall be construed to require disclosure of information or records that are exempt from disclosure under sections 552 or 552a of title 5.

(D) ENFORCEMENT GUIDANCE.—Not later than 180 days after the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary shall provide a report to the public describing the enforcement process established under this subsection.

[(w)](v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for—

(1) railroad security—

- (A) \$488,000,000 for fiscal year 2008;
- (B) \$483,000,000 for fiscal year 2009;
- (C) \$508,000,000 for fiscal year 2010; and
- (D) \$508,000,000 for fiscal year 2011;

(2) over-the-road bus and trucking security—

- (A) \$14,000,000 for fiscal year 2008;
- (B) \$27,000,000 for fiscal year 2009;
- (C) \$27,000,000 for fiscal year 2010; and
- (D) \$27,000,000 for fiscal year 2011; and

- (3) hazardous material and pipeline security—
  - (A) \$12,000,000 for fiscal year 2008;
  - (B) \$12,000,000 for fiscal year 2009; and
  - (C) \$12,000,000 for fiscal year 2010.

**§ 5103a. Limitation on issuance of hazmat licenses**

(a) LIMITATION.—

(1) ISSUANCE OF LICENSES.—A State may not issue to any individual a license to operate a motor vehicle transporting in commerce a hazardous material unless the Secretary of Homeland Security has first determined, upon receipt of a notification under subsection (d)(1)(B), that the individual does not pose a security risk warranting denial of the license.

(2) RENEWALS INCLUDED.—For the purposes of this section, the term “issue”, with respect to a license, includes renewal of the license.

(b) HAZARDOUS MATERIALS DESCRIBED.—The limitation in subsection (a) shall apply with respect to any material defined as hazardous material by the Secretary of Transportation for which the Secretary of Transportation requires placarding of a commercial motor vehicle transporting that material in commerce.

(c) RECOMMENDATIONS ON CHEMICAL AND BIOLOGICAL MATERIALS.—The Secretary of Health and Human Services shall recommend to the Secretary of Transportation any chemical or biological material or agent for regulation as a hazardous material under section 5103(a) if the Secretary of Health and Human Services determines that such material or agent poses a significant risk to the health of individuals.

(d) BACKGROUND RECORDS CHECK.—

(1) IN GENERAL.—Upon the request of a State regarding issuance of a license described in subsection (a)(1) to an individual, the Attorney General—

(A) shall carry out a background records check regarding the individual; and

(B) upon completing the background records check, shall notify the Secretary of Homeland Security of the completion and results of the background records check.

(2) SCOPE.—A background records check regarding an individual under this subsection shall consist of the following:

(A) A check of the relevant criminal history data bases.

(B) In the case of an alien, a check of the relevant data bases to determine the status of the alien under the immigration laws of the United States.

(C) As appropriate, a check of the relevant international data bases through Interpol-U.S. National Central Bureau or other appropriate means.

(3) TRANSPORTATION SECURITY CARDS.—*An individual who holds a valid transportation security card issued by the Secretary of the department in which the Coast Guard is operating under section 70105 of title 46 shall be deemed to have met the background records check required under this subsection.*

(e) \* \* \*

## HOMELAND SECURITY ACT OF 2002

[6 U.S.C. 101 et seq.]

**SEC. 404. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.**

(a) *ESTABLISHMENT.*—*The Administrator of the Transportation Security Administration (referred to in this section as “Administrator”) shall establish within the Transportation Security Administration the Surface Transportation Security Advisory Committee (referred to in this section as the “Advisory Committee”).*

(b) *DUTIES.*—

(1) *IN GENERAL.*—*The Advisory Committee may advise, consult with, report to, and make recommendations to the Administrator on surface transportation security matters, including the development, refinement, and implementation of policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.*

(2) *RISK-BASED SECURITY.*—*The Advisory Committee shall consider risk-based security approaches in the performance of its duties.*

(c) *MEMBERSHIP.*—

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

(A) *voting members appointed by the Administrator under paragraph (2); and*

(B) *nonvoting members, serving in an advisory capacity, who shall be designated by—*

(i) *the Transportation Security Administration;*

(ii) *the Department of Transportation;*

(iii) *the Coast Guard; and*

(iv) *such other Federal department or agency as the Administrator considers appropriate.*

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

(A) *associations representing such modes of surface transportation;*

(B) *labor organizations representing such modes of surface transportation;*

(C) *groups representing the users of such modes of surface transportation, including asset manufacturers, as appropriate;*

(D) *relevant law enforcement, first responders, and security experts; and*

(E) *such other groups as the Administrator considers appropriate.*

(3) *CHAIRPERSON.*—*The Advisory Committee shall select a chairperson from among its voting members.*

(4) *TERM OF OFFICE.*—

(A) *TERMS.*—

(i) *IN GENERAL.*—*The term of each voting member of the Advisory Committee shall be 2 years, but a voting*

member may continue to serve until the Administrator appoints a successor.

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

(B) REMOVAL.—

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

(ii) ACCESS TO INFORMATION.—The Administrator may remove any member of the Advisory Committee that the Administrator determines should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

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

(6) MEETINGS.—

(A) IN GENERAL.—The Administrator shall require the Advisory Committee to meet at least semiannually in person or through web conferencing and may convene additional meetings as necessary.

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

- (i) announced in the Federal Register;
- (ii) announced on a public website; and
- (iii) open to the public.

(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

(D) MINUTES.—

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

(ii) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Advisory Committee may redact or summarize, as necessary, minutes of the meetings to protect classified or other sensitive information in accordance with law.

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

(A) DETERMINATIONS.—Not later than 60 days after the date on which a voting member is appointed to the Advisory Committee and before that voting member may be granted any access to classified information or sensitive security information, the Administrator shall determine if the voting member should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

(B) ACCESS.—

(i) SENSITIVE SECURITY INFORMATION.—If a voting member is not restricted from reviewing, discussing, or possessing sensitive security information under subparagraph (A) and voluntarily signs a nondisclosure agreement, the voting member may be granted access to

*sensitive security information that is relevant to the voting member's service on the Advisory Committee.*

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

(C) *PROTECTIONS.—*

(i) *SENSITIVE SECURITY INFORMATION.—Voting members shall protect sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.*

(ii) *CLASSIFIED INFORMATION.—Voting members shall protect classified information in accordance with the applicable requirements for the particular level of classification.*

(8) *JOINT COMMITTEE MEETINGS.—The Advisory Committee may meet with 1 or more of the following advisory committees to discuss multimodal security issues and other security-related issues of common concern:*

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

(B) *Maritime Security Advisory Committee established under section 70112 of title 46, United States Code.*

(C) *Railroad Safety Advisory Committee established by the Federal Railroad Administration.*

(9) *SUBJECT MATTER EXPERTS.—The Advisory Committee may request the assistance of subject matter experts with expertise related to the jurisdiction of the Advisory Committee.*

(d) *REPORTS.—*

(1) *PERIODIC REPORTS.—The Advisory Committee shall periodically submit reports to the Administrator on matters requested by the Administrator or by a majority of the members of the Advisory Committee.*

(2) *ANNUAL REPORT.—*

(A) *SUBMISSION.—The Advisory Committee shall submit to the Administrator and the appropriate congressional committees an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year.*

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

(e) *ADMINISTRATION RESPONSE.—*

(1) *CONSIDERATION.—The Administrator shall consider the information, advice, and recommendations of the Advisory Committee in formulating policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security and to the support of maritime transportation security efforts.*

(2) *FEEDBACK.—Not later than 90 days after the date that the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2), the Administrator shall sub-*

mit to the Advisory Committee written feedback on the recommendation, including—

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

(B) if the Administrator disagrees with the recommendation, a justification for that determination.

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

(A) notify the appropriate congressional committees of the feedback, including the determination under subparagraph (A) or subparagraph (B) of that paragraph, as applicable; and

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

(4) **UPDATES.**—Not later than 90 days after the date the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2) that the Administrator agrees with, and quarterly thereafter until the recommendation is fully implemented, the Administrator shall submit a report to the appropriate congressional committees or post on the public website under paragraph (5) an update on the status of the recommendation.

(5) **WEBSITE.**—The Administrator shall maintain a public website that—

(A) lists the members of the Advisory Committee; and

(B) provides the contact information for the Advisory Committee.

(f) **NONAPPLICABILITY OF FACCA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee or any subcommittee established under this section.

#### IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

[Public Law 110–53; 121 Stat. 266]

#### **SEC. 1203. TRANSPORTATION SECURITY INFORMATION SHARING.**

(a) \* \* \*

(b) **CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(A) the number of public and private stakeholders who were provided with each report;

(B) a description of the measures the Secretary has taken, under section 114(u)(7) of title 49, United States



Code, as added by this section, or otherwise,] to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the Plan; and

(C) an explanation of the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

(c) \* \* \*

**SEC. 1513. RAILROAD SECURITY ASSISTANCE.**

[6 U.S.C. 1163]

(a) SECURITY IMPROVEMENT GRANTS.—

(1) The Secretary, in consultation with the Administrator of the Transportation Security Administration and other appropriate agencies or officials, is authorized to make grants to railroad carriers, the Alaska Railroad, security-sensitive materials offerors who ship by railroad, owners of railroad cars used in the transportation of security-sensitive materials, State and local governments (for railroad passenger facilities and infrastructure not owned by Amtrak), and Amtrak for intercity passenger railroad and freight railroad security improvements described in subsection (b) as approved by the Secretary.

(2) A railroad carrier is eligible for a grant under this section if the carrier has completed a vulnerability assessment and developed a security plan that the Secretary has approved in accordance with section 1512.

(3) A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further a railroad security plan that meets the requirements of paragraph (2).

(4) Notwithstanding the requirement for eligibility and uses of funds in paragraphs (2) and (3), a railroad carrier is eligible for a grant under this section if the applicant uses the funds solely for the development of assessments or security plans under section 1512.

(5) Notwithstanding the requirements for eligibility and uses of funds in paragraphs (2) and (3), prior to the earlier of 1 year after the date of issuance of final regulations requiring vulnerability assessments and security plans under section 1512 or 3 years after the date of enactment of this Act, the Secretary may award grants under this section for rail security improvements listed under subsection (b) based upon railroad carrier vulnerability assessments and security plans that the Secretary determines are sufficient for the purposes of this section but have not been approved by the Secretary in accordance with section 1512.

(b) USES OF FUNDS.—A recipient of a grant under this section shall use the grant funds for one or more of the following:

(1) Security and redundancy for critical communications, computer, and train control systems essential for secure rail-

road operations~~].~~, *including communications interoperability where appropriate with relevant outside agencies and entities.*

(2) Accommodation of railroad cargo or passenger security inspection facilities, related infrastructure, and operations at or near United States international borders or other ports of entry.

(3) The security of security-sensitive materials transportation by railroad.

(4) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.

(5) The ~~security of~~ *security and preparedness of* intercity passenger railroad stations, trains, and infrastructure, including security capital improvement projects that the Secretary determines enhance railroad station security.

(6) Technologies to reduce the vulnerabilities of railroad cars, including structural modification of railroad cars transporting security-sensitive materials to improve their resistance to acts of terrorism.

(7) The sharing of intelligence and information about ~~security threats~~ *security threats and preparedness, including connectivity to the National Terrorist Screening Center.*

(8) To obtain train tracking and communications equipment, including equipment that is interoperable with Federal, State, and local agencies and tribal governments.

(9) To hire, train, and employ police ~~and security officers~~, *security, and preparedness officers*, including canine units, assigned to full-time security or counterterrorism duties related to railroad transportation.

(10) Overtime reimbursement, including reimbursement of State, local, and tribal governments for costs, for enhanced security personnel assigned to duties related to railroad security during periods of high or severe threat levels and National Special Security Events or other periods of heightened security as determined by the Secretary.

(11) Perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades at railroad facilities.

(12) Tunnel protection systems.

(13) Passenger evacuation and evacuation-related capital improvements.

(14) Railroad security inspection technologies, including verified visual inspection technologies using hand-held readers.

(15) Surveillance equipment.

(16) Cargo or passenger screening equipment.

(17) Emergency response equipment, including fire suppression and decontamination equipment, personal protective equipment, and defibrillators.

(18) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 1517, and training developed by universities, institutions of higher education, and nonprofit employee labor organizations, for railroad employees, including frontline employees.

(19) Live or simulated exercises, including exercises described in section 1516.

(20) Public awareness campaigns for enhanced railroad security.

(21) Development of assessments or security plans under section 1512.

(22) Other security improvements—

(A) identified, required, or recommended under sections 1511 and 1512, including infrastructure, facilities, and equipment upgrades; or

(B) that the Secretary considers appropriate.

(c) \* \* \*

**SEC. 1514. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

[6 U.S.C. 1164]

(a) IN GENERAL.—

(1) GRANTS.—Subject to subsection (b), the Secretary, in consultation with the Administrator of the Transportation Security Administration, is authorized to make grants to Amtrak in accordance with the provisions of this section.

(2) GENERAL PURPOSES.—The Secretary may make such grants for the purposes of—

(A) protecting underwater and underground assets and systems;

(B) protecting high-risk and high-consequence assets identified through systemwide risk assessments;

(C) providing counterterrorism or security training;

(D) providing both visible and unpredictable deterrence; and

(E) conducting emergency preparedness drills and exercises.

(3) SPECIFIC PROJECTS.—The Secretary shall make such grants—

(A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;

(B) to secure Amtrak trains;

(C) to secure Amtrak stations;

(D) to obtain a watchlist identification system approved by the Secretary, *or to connect to the National Terrorism Screening Center watchlist*;

(E) to obtain train tracking and interoperable communications systems that are coordinated with Federal, State, and local agencies and tribal governments to the maximum extent possible;

(F) to hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to railroad transportation;

(G) for operating and capital costs associated with security awareness, preparedness, and response training, including training under section 1517, and training developed by universities, institutions of higher education, and nonprofit employee labor organizations, for railroad employees, including frontline employees; and

(H) for live or simulated exercises, including exercises described in section 1516;

(I) *for improvements to passenger verification systems*;

*(J) for improvements to employee and contractor verification systems, including identity verification technology; or*

*(K) for improvements to the security of Amtrak computer systems, including cybersecurity assessments and programs.*

(b) \* \* \*

