To authorize programs and activities within the Transportation Security Administration to enhance the security of surface transportation, including mass transit, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2011

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

A BILL

To authorize programs and activities within the Transportation Security Administration to enhance the security of surface transportation, including mass transit, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Surface Transpor-
5 tation and Mass Transit Security Act of 2011”.

SEC. 2. ASSISTANT SECRETARY DEFINED.

Section 1301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security Administration).”.

SEC. 3. SURFACE TRANSPORTATION SECURITY INSPECTION PROGRAM.

(a) SURFACE TRANSPORTATION SECURITY INSPECTION OFFICE.—Section 1304 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1113) is amended—

(1) by redesignating subsections (c) through (j) as subsections (b) through (i), respectively; and

(2) by striking subsections (a) and (b) and inserting the following:

“(a) SURFACE TRANSPORTATION SECURITY INSPECTION OFFICE.—

“(1) ESTABLISHMENT.—The Assistant Secretary shall establish an office to be known as the
Surface Transportation Security Inspection Office (in this section referred to as the ‘Office’).

“(2) MISSION.—The Assistant Secretary shall use the Office to train, employ, and utilize surface transportation security inspectors to—

“(A) assist surface transportation carriers, operators, owners, entities, and facilities to enhance their security against terrorist attacks and other security threats; and

“(B) assist the Assistant Secretary in enforcing applicable surface transportation security regulations and directives.

“(3) OFFICERS.—

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

“(i) oversee and coordinate the activities of the Office, including all officers and any corresponding surface transportation modes in which the Office carries out such activities, and the surface transportation security inspectors who assist in such activities; and

“(ii) act as the primary point of contact between the Office and other entities that support the Department’s surface
transportation security mission to ensure efficient and appropriate use of surface transportation security inspectors and maintain strong working relationships with surface transportation security stakeholders.

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

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

“(ii) serve as acting Director in the absence of the Director and during any vacancy in the office of Director.

“(4) APPOINTMENT.—

“(A) IN GENERAL.—The Director and Deputy Director shall be responsible on a full-time basis for the duties and responsibilities described in this subsection.

“(B) CLASSIFICATION.—The position of Director shall be considered a position in the Senior Executive Service as defined in section 2101a of title 5, United States Code, and the position of Deputy Director shall be considered
a position classified at grade GS–15 of the General Schedule.

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

“(6) FIELD OFFICES.—

“(A) ESTABLISHMENT.—The Assistant Secretary shall establish primary and secondary field offices in the United States for surface transportation security inspectors carrying out their duties under this section.

“(B) DESIGNATION.—The locations for, and designation as ‘primary’ or ‘secondary’ of, such field offices shall be determined in a manner that is consistent with the Department’s risk-based approach to carrying out its homeland security mission.

“(C) COMMAND STRUCTURE.—

“(i) PRIMARY FIELD OFFICES.—Each primary field office shall be led by a chief surface transportation security inspector, who has significant experience with surface transportation systems, facilities, and operations and shall report directly to the Director.
“(ii) Secondary field offices.—
Each secondary field office shall be led by a senior surface transportation security inspector, who shall report directly to the chief surface transportation security inspector of a geographically appropriate primary field office, as determined by the Director.

“(D) Personnel.—Not later than 18 months after the date of enactment of the Surface Transportation and Mass Transit Security Act of 2011, field offices shall be staffed with—

“(i) not fewer than 7 surface transportation security inspectors, including one chief surface transportation security inspector, at every primary field office; and

“(ii) not fewer than 5 surface transportation security inspectors, including one senior surface transportation security inspector, at every secondary field office.”.

(b) Number of Inspectors.—Section 1304(e) of such Act, as redesignated by subsection (a) of this section, is amended to read as follows:

“(e) Number of Inspectors; Training.—
“(1) NUMBER.—Subject to the availability of appropriations, the Secretary shall maintain not fewer than 100 more surface transportation security inspectors than the number of such inspectors employed at the end of fiscal year 2010.

“(2) TRAINING.—The Director shall provide initial and recurrent training to each surface transportation inspector that includes counterterrorism training, audit training, inspections training, and training on emergency preparedness and response.”.

(c) COORDINATION.—Section 1304(f) of such Act, as redesignated by subsection (a) of this section, is amended by striking “114(t)” and inserting “114(s)”.

(d) REPORT.—Section 1304(h), as redesignated by subsection (a) of this section, is amended by striking “2008” and inserting “2011”.

(e) PLAN.—Section 1304(i) of such Act, as redesignated by subsection (a) of this section, is amended to read as follows:

“(i) PLAN.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Surface Transportation and Mass Transit Security Act of 2011, the Assistant Secretary shall submit to the appropriate congressional committees a plan for expanding the
duties, operations, and training of surface transportation security inspector workforce to enhance the Transportation Security Administration’s surface transportation security mission.

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

“(A) an analysis of how surface transportation security inspectors could be used to conduct oversight activities with respect to surface transportation security projects funded by relevant grant programs administered by the Department;

“(B) an evaluation of whether the capacity of the Office to take an active role in the Department’s surface transportation security operations would be enhanced if all or some of the surface transportation security inspector workforce were law enforcement officers;

“(C) an analysis of best practices for training surface transportation security inspectors, including identifying skills that could be transferable among inspectors of different modes of transportation to enhance flexibility;

“(D) a requirement that the Office evaluate its Surface Transportation Security Inspection training program annually for the purpose
of incorporating the identified best practices, as
appropriate, and determining whether the pro-
vided training is effective; and

“(E) any other potential functions relating
to surface transportation security the Secretary
determines appropriate.”.

(f) Authorization of Appropriations.—Section
1304 of such Act (6 U.S.C. 1113) is amended by adding
at the end the following:

“(j) Authorization of Appropriations.—There
are authorized to be appropriated such sums as may be
necessary to the Assistant Secretary to carry out this sec-
tion for fiscal years 2012 and 2013.”.

(g) Conforming Amendment.—Section 1304(b) of
such Act, as redesignated by subsection (a) of this section,
is amended by striking “subsection (e)” and inserting
“subsection (d)”.

SEC. 4. VISIBLE INTERMODAL PREVENTION AND RE-
SPONSE TEAMS (VIPR TEAMS).

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

(1) in subsection (a) by striking “Administrator
of the Transportation Security Administration,” and
inserting “Assistant Secretary,”;
(2) in subsection (a)(2) by inserting “according to risk,” after “determine”;

(3) in subsection (a)(4) by striking “team,” and inserting “team as to specific locations and times within their facilities at which VIPR teams should be deployed to maximize the effectiveness of such deployment and other matters,”; and

(4) by striking subsection (b) and inserting the following:

“(b) PERFORMANCE MEASURES.—Not later than one year after enactment of the Surface Transportation and Mass Transit Security Act of 2011, the Assistant Secretary shall develop and implement a system of qualitative performance measures and objectives by which to assess the roles, activities, and effectiveness of VIPR team operations on an ongoing basis, including a mechanism through which the transportation entities listed in subsection (a)(4) shall submit feedback from surface transportation operators received by the Assistant Secretary on VIPR team operations involving their systems or facilities.

“(c) DEPLOYMENTS.—Not later than one year after the date of enactment of the Surface Transportation and Mass Transit Security Act of 2011, the Assistant Secretary shall establish risk-based criteria to evaluate all proposals for VIPR deployments and, from the date of es-
establishment, shall begin utilizing the criteria for such purposes.

“(d) INTEROPERABILITY.—Not later than one year after the date of enactment of the Surface Transportation and Mass Transit Security Act of 2011, the Assistant Secretary shall develop and implement a plan for ensuring the interoperability of communications among all participating VIPR team components as designated under subsection (a)(1) and between VIPR teams and any relevant transportation entities listed in subsection (a)(4) whose systems or facilities are involved in VIPR team operations, including an analysis of the costs and resources required to carry out the plan.

“(e) ANNUAL REPORT.—The Assistant Secretary shall submit on an annual basis, together with the annual budget request, a report on VIPR team operations for the previous year that includes information on lessons learned from operations in the previous year and plans for program enhancements for the forthcoming year.”.

SEC. 5. SURFACE TRANSPORTATION SECURITY STAKEHOLDER PARTICIPATION.

(a) IN GENERAL.—Title XIII of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111 et seq.) is amended by adding at the end the following:
SEC. 1311. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

(a) Establishment.—

(1) In general.—The Assistant Secretary shall establish in the Transportation Security Administration an advisory committee, to be known as the Surface Transportation Security Advisory Committee (in this section referred to as the ‘Advisory Committee’), to assist the Assistant Secretary with issues pertaining to surface transportation security.

(2) Duties.—

(A) In general.—The Advisory Committee shall develop recommendations for improvements to surface transportation security.

(B) Recommendations of working groups.—Recommendations agreed upon by the working groups established under this section shall be approved by the Advisory Committee for transmission to the Assistant Secretary.

(C) Periodic reports.—The Advisory Committee shall periodically submit to the Assistant Secretary—

(i) reports on matters identified by the Assistant Secretary; and
“(ii) reports on other matters identified by a majority of the members of the Advisory Committee.

“(D) ANNUAL REPORT.—The Advisory Committee shall submit to the Assistant Secretary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its working groups, for the preceding year.

“(3) MEETINGS.—The Assistant Secretary shall require the Advisory Committee to meet at least semianually and may convene additional meetings as necessary.

“(4) UNPAID POSITION.—Advisory Committee Members shall serve at their own expense and receive no salary, reimbursement for travel expenses, or other compensation from the Federal Government.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Assistant Secretary shall appoint the Advisory Committee, which shall consist of individuals representing not more than 27 member organizations. Each organization shall be represented by one indi-
individual (or the individual’s designee) and shall in-
clude representatives from public transportation
agencies, passenger rail agencies or operators, rail-
road carriers, motor carriers, owners or operators of
highways, over-the-road bus operators and terminal
owners and operators, pipeline operators, privacy or-
ganizations, labor organizations representing em-
ployees of such entities, and the surface transpor-
tation security technology industry.

“(2) APPOINTMENTS.—Members shall be ap-
pointed by the Assistant Secretary and the Assistant
Secretary shall have the discretion to review the par-
ticipation of any Advisory Committee member and
remove for cause at any time.

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

“(d) PASSENGER CARRIER SECURITY WORKING
GROUP.—

“(1) IN GENERAL.—The Assistant Secretary
shall establish within the Advisory Committee a pas-
senger carrier security working group to provide rec-
ommendations for successful implementation of ini-
tiatives relating to passenger rail, over-the-road bus,
and public transportation security proposed by the
Transportation Security Administration in accordance with statutory requirements, including relevant grant programs and security training provisions.

“(2) MEETINGS.—The working group shall meet at least quarterly and submit information, including recommendations, regarding the Transportation Security Administration’s initiatives relating to passenger rail, over-the-road bus, and public transportation security, including grant, training, inspection, or other relevant programs authorized in titles XIII and XIV, and subtitle C of title XV of this Act.

“(3) MEMBERSHIP.—The working group shall be appointed by the Assistant Secretary and composed of members from the Advisory Committee with expertise in public transportation, over-the-road bus, or passenger rail systems and operations, and shall be co-chaired by a Government and industry official.

“(4) REPORTS.—The working group shall prepare and submit reports to the Assistant Secretary in accordance with this paragraph that provide recommendations as described in paragraphs (1) and (2), for inclusion in the annual report.

“(e) FREIGHT RAIL SECURITY WORKING GROUP.—
“(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a freight rail security working group to provide recommendations for successful implementation of initiatives relating to freight rail security proposed by the Transportation Security Administration in accordance with statutory requirements, including relevant grant programs and security training provisions.

“(2) MEETINGS.—The working group shall meet at least quarterly and submit information, including recommendations, regarding freight rail security to the Advisory Committee for inclusion in the annual report. The submissions shall include recommendations to improve the Transportation Security Administration’s initiatives relating to freight rail security, including grant, training, inspection, or other relevant programs authorized in titles XIII and XV of this Act.

“(3) MEMBERSHIP.—The working group shall include members from the Advisory Committee with expertise in freight rail systems and operations, and shall be co-chaired by a Government and industry official.
“(4) REPORTS.—The working group shall prepare and submit reports to the Assistant Secretary in accordance with this paragraph that provide recommendations as described in paragraphs (1) and (2), for inclusion in the annual report”.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53) is amended by inserting after the item relating to section 1310 the following new item:

“Sec. 1311. Surface Transportation Security Advisory Committee.”.

SEC. 6. HUMAN CAPITAL PLAN FOR SURFACE TRANSPORTATION SECURITY PERSONNEL.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Assistant Secretary shall submit to the appropriate congressional committees a human capital plan for hiring, initial and recurrent training, managing, and compensating surface transportation security personnel, including surface transportation security inspectors.

(b) CONSULTATION.—In developing the human capital plan, the Assistant Secretary shall consult with the Chief Human Capital Officer of the Department of Homeland Security, the Director of the Surface Transportation Security Inspection Office, the Inspector General of the

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(c) Approval.—Prior to submission, the human capital plan shall be reviewed and approved by the Chief Human Capital Officer of the Department of Homeland Security.

(d) Workforce Study.—Not later than 180 days after the date of enactment of this Act, the Chief Human Capital Officer of the Department of Homeland Security shall conduct a workforce study of the Transportation Security Inspection Program to assess full-time equivalent personnel requirements for transportation security inspectors. The workforce study shall evaluate the extent to which the Assistant Secretary has—

(1) addressed recommendations issued by the Comptroller General of the United States and the Inspector General of the Department of Homeland Security regarding the management of the transportation security inspector workforce; and

(2) established projections for full-time equivalent personnel requirements to execute responsibilities, including training and security assessments, with respect to public transportation agencies, rail carriers, and intercity bus carriers.
SEC. 7. SURFACE TRANSPORTATION SECURITY TRAINING.

(a) Status Report.—Not later than 30 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the status of the Department’s implementation of sections 1408, 1517, and 1534 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, and 1184), including detailed timeframes for development and issuance of the transportation security training regulations required under such sections.

(b) Private Providers.—Not later than one year after the date of enactment of this Act, the Assistant Secretary shall identify criteria and establish a process for approving and maintaining a list of approved private third-party providers of security training with whom surface transportation entities may enter into contracts, as needed, for the purpose of satisfying security training requirements of the Department of Homeland Security, including requirements developed under sections 1408, 1517, and 1534 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, and 1184), in accordance with section 103 of this Act.

SEC. 8. FINDINGS; SENSE OF CONGRESS.

(a) Findings.—Congress finds the following:
(1) According to the Worldwide Incidents Tracking System maintained by the National Counter Terrorism Center, from January 2004 to July 2008, 530 terrorist attacks were waged world-wide against mass transit systems, resulting in over 2,000 deaths and over 9,000 injuries.

(2) Rail and mass transit systems are an attractive target for terrorists and terrorist organizations as evidenced by the March 2004 attack on the Madrid, Spain system, the July 2005 attack on the London, England system, the July 2006 and November 2008 attacks on the Mumbai, India system, and the March 2010 attack on the Moscow, Russia system.

(3) In 2009, United States law enforcement entities uncovered and disrupted a major plot by an al Qaeda terrorist to attack the New York City subway system.

(4) Each weekday 11,300,000 passengers depend on our Nation’s mass transit systems as a means of transportation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) our Nation’s rail and mass transit systems are critical infrastructure that facilitate our Nation’s
economy, and the Department of Homeland Security has a critical role to play to help protect this critical infrastructure against terrorist attack and other security threats;

(2) the Transportation Security Grant Program, as administered by the Department of Homeland Security, provides critical resources to transit agencies in high-risk areas for operational security enhancements and on-the-ground efforts to reduce the consequences of a terrorist attack; and

(3) funding for the Transportation Security Grant Program should be restored from the fiscal year 2011 reductions to ensure that transit agencies in high-risk areas have adequate resources to protect their systems and passengers from terrorist threats.

SEC. 9. TRANSPORTATION SECURITY GRANT PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that grants under the Transportation Security Grant Program, as administered by the Department of Homeland Security, should be provided to high-risk surface transportation systems in a manner that supports regional security cooperation.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the appro-

(c) CONTENTS.—The report shall—

(1) describe the roles and responsibilities of the Transportation Security Administration and Federal Emergency Management Agency, at different stages of the grant process, including the allocation stage, the award stage, and the distribution stage;

(2) identify areas in which relevant components of the Department, including the Transportation Security Administration and Federal Emergency Management Agency, may better integrate or coordinate their activities in order to streamline the grant administration process and improve the efficiency of the project approval process for grantees;

(3) assess the current state of public transportation and passenger rail security expertise possessed by relevant personnel involved in the grant administration or project approval processes carried out by relevant components of the Department, in-
including the Transportation Security Administration and Federal Emergency Management Agency; and

(4) include recommendations for how each relevant component of the Department, including the Transportation Security Administration, may further clarify, coordinate, or maximize its roles and responsibilities in administering grant funds and approving grant projects under such section 1406.

SEC. 10. PASSENGER RAIL SECURITY DEMONSTRATION PROJECT.

(a) Demonstration Project.—The Assistant Secretary, in consultation with the Under Secretary for Science and Technology of the Department of Homeland Security, may conduct a demonstration project in a passenger rail system to test and assess the feasibility and effectiveness of technologies to strengthen the security of passenger rail systems against terrorist attacks involving the use of improvised explosive devices.

(b) Security Technologies.—Any demonstration project under this section shall test and assess technologies, such as canines and commercially available technologies, to—

(1) detect improvised explosive devices on station platforms, through the use of foreign object detection programs in conjunction with cameras; and
(2) defeat improvised explosive devices left on rail tracks.

(c) Report to Congress.—Not later than 180 days after completion of the demonstration project under this section, the Assistant Secretary shall submit a report to the appropriate congressional committees on the results of the demonstration project.

SEC. 11. EXPLOSIVES DETECTION CANINE TEAMS.

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

(1) in subsection (b)—

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

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

“(3) Allocation.—

“(A) in general.—The Assistant Secretary shall increase the number of canine teams certified by the Transportation Security Administration for the purpose of passenger rail and public transportation security activities to not less than 200 canine teams by the end of fiscal year 2011.
“(B) Cooperative agreements.—The Assistant Secretary shall expand the use of canine teams to enhance passenger rail and public transportation security by entering into cooperative agreements with passenger rail and public transportation agencies eligible for security assistance under section 1406 of this Act for the purpose of deploying and maintaining canine teams to such agencies for use in passenger rail or public transportation security activities and providing for assistance in an amount not less than $75,000 for each canine team deployed, to be adjusted by the Assistant Secretary for inflation.

“(C) Authorization of appropriations.—There are authorized to be appropriated to the Assistant Secretary such sums as may be necessary to carry out this paragraph for fiscal years 2012 and 2013.”;

(2) in subsection (d)—

(A) in paragraph (1) by striking “use” and inserting the following: “deploy in a risk-based manner”;

(B) in paragraph (3), by striking “and”;
(C) in paragraph (4), by striking the period at the end and inserting the following: "; and"

(D) by adding at the end the following new paragraph:

"(5) expand the use of canine teams trained to detect vapor wave trails in passenger rail and public transportation security environments, as the Secretary, in consultation with the Assistant Secretary, determines appropriate.";

(3) in subsection (e), by striking "', if appropriate,'" and inserting "', to the extent practicable,';" and

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

"(f) REPORT.—Not later than one year after the date of the enactment of the Surface Transportation and Mass Transit Security Act of 2011, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on—

"(1) utilization of explosives detection canine teams to strengthen security in passenger rail and public transportation environments;

"(2) the capacity of the national explosive detection canine team program as a whole; and"
“(3) how the Assistant Secretary could better support State and local passenger rail and public transportation entities in maintaining certified canine teams for the life of the canine, including by providing financial assistance.”.

SEC. 12. MASS TRANSIT AND OTHER SURFACE TRANSPORTATION SECURITY AWARENESS PROGRAM.

(a) IN GENERAL.—Subtitle C of title XV of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1181 et seq.) is amended by adding at the end the following:

“SEC. 1543. SURFACE TRANSPORTATION SECURITY AWARENESS PROGRAM.

“(a) FINDINGS.—Congress finds the following:

“(1) According to the Federal Highway Administration, the Nation’s highway transportation system includes approximately 4 million miles of roadways, 600,000 bridges, and 50 tunnels of more than 500 meters in length, supports 86 percent of all personal travel and 80 percent of the Nation’s freight, and serves as a key component in national defense mobility.

“(2) The United States highway system is inherently vulnerable to terrorist attack because of its inherent openness, where vehicles and their opera-
tors can move freely and virtually without restriction.

“(3) The Transportation Security Administration’s voluntary surface and mass transportation security awareness program, known as the First Observer Program, leverages the skills and experience of transportation professionals, including truck drivers, and empowers them to act as ‘first observers’ in reporting suspicious activities to Federal security authorities.

“(4) The Transportation Security Administration credits the First Observer Program with helping to disrupt the hijacking of an inter-state bus traveling from Richmond, Virginia, to Durham, North Carolina, and a potential terrorist plot involving the purchase and transport of suspiciously large quantities of hazardous chemicals.

“(b) Requirement To Carry Out First Observer Program.—The Secretary shall carry out a First Observer Program, under which mass transit and other surface transportation professionals and related stakeholders may report to the Assistant Secretary suspicious activities or security threats that may be related to a potential transportation security incident or act of terrorism.
“(c) Program Requirements.—Under the First Observer Program the Assistant Secretary shall—

“(1) maintain a call center, on a 24-hour basis, to which a surface transportation professionals or related stakeholder can report suspicious activities or security threats that may be related to a potential transportation security incident or act of terrorism;

“(2) evaluate reports received from surface transportation professionals and transmit information, as appropriate, to relevant State, local, tribal law enforcement and private sector partners;

“(3) disburse voluntary guidance to private sector partners, including motor coach operators, school bus operators, trucking companies, parking facility operators, professional athletic venue operators, port operators, indirect air carriers, on how to identify and report a suspicious activity or security threat that may be related to a potential transportation security incident or act of terrorism; and

“(4) publicize the security awareness program to private sector partners and encourage surface transportation professionals or related stakeholder to participate in the program.

“(d) Reports.—Not later than one-year after enactment of the Surface Transportation and Mass Transit Se-
security Act of 2011, the Assistant Secretary shall submit to the appropriate congressional committees information on the Assistant Secretary’s activities under this section including information on the extent to which private sector partners participated in the program, the number reports received at the call center, the disposition of those reports, and the impact of the program on the Assistant Secretary’s efforts to secure surface transportation modes.

“(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $5,000,000 annually for the necessary expenses of the First Observer Program.”.

(b) Conforming Amendment.—The table of contents set forth in section 1(b) of the Implementing Recommendations of the 9/11 Commission Act of 2007 is amended by inserting after the item relating to section 1542 the following new item:

“Sec. 1543. Surface transportation security awareness program.”.

SEC. 13. DEFINITIONS.

In this Act:

(1) Appropriate congressional committees.—The term “appropriate congressional committees” means the Committee on Homeland Security of the House of Representatives and any committee of the House of Representatives or the Senate having legislative jurisdiction under the rules of the
House of Representatives or Senate, respectively, over the matter concerned.

(2) ASSISTANT SECRETARY.—The term “Assistant Secretary” means the Assistant Secretary of Homeland Security (Transportation Security Administration).

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