

112TH CONGRESS  
1ST SESSION

# H. R. 1900

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”.

1 **SEC. 2. ASSISTANT SECRETARY DEFINED.**

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

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

7 (2) by inserting after paragraph (1) the fol-  
8 lowing:

9 “(2) ASSISTANT SECRETARY.—The term ‘As-  
10 sistant Secretary’ means the Assistant Secretary of  
11 Homeland Security (Transportation Security Admin-  
12 istration).”.

13 **SEC. 3. SURFACE TRANSPORTATION SECURITY INSPEC-**  
14 **TION PROGRAM.**

15 (a) SURFACE TRANSPORTATION SECURITY INSPEC-  
16 TION OFFICE.—Section 1304 of the Implementing Rec-  
17 ommendations of the 9/11 Commission Act of 2007 (6  
18 U.S.C. 1113) is amended—

19 (1) by redesignating subsections (e) through (j)  
20 as subsections (b) through (i), respectively; and

21 (2) by striking subsections (a) and (b) and in-  
22 serting the following:

23 “(a) SURFACE TRANSPORTATION SECURITY INSPEC-  
24 TION OFFICE.—

25 “(1) ESTABLISHMENT.—The Assistant Sec-  
26 retary shall establish an office to be known as the

1 Surface Transportation Security Inspection Office  
2 (in this section referred to as the ‘Office’).

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

6 “(A) assist surface transportation carriers,  
7 operators, owners, entities, and facilities to en-  
8 hance their security against terrorist attacks  
9 and other security threats; and

10 “(B) assist the Assistant Secretary in en-  
11 forcing applicable surface transportation secu-  
12 rity regulations and directives.

13 “(3) OFFICERS.—

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

16 “(i) oversee and coordinate the activi-  
17 ties of the Office, including all officers and  
18 any corresponding surface transportation  
19 modes in which the Office carries out such  
20 activities, and the surface transportation  
21 security inspectors who assist in such ac-  
22 tivities; and

23 “(ii) act as the primary point of con-  
24 tact between the Office and other entities  
25 that support the Department’s surface

1 transportation security mission to ensure  
2 efficient and appropriate use of surface  
3 transportation security inspectors and  
4 maintain strong working relationships with  
5 surface transportation security stake-  
6 holders.

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

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

12 “(ii) serve as acting Director in the  
13 absence of the Director and during any va-  
14 cancy in the office of Director.

15 “(4) APPOINTMENT.—

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

20 “(B) CLASSIFICATION.—The position of  
21 Director shall be considered a position in the  
22 Senior Executive Service as defined in section  
23 2101a of title 5, United States Code, and the  
24 position of Deputy Director shall be considered

1 a position classified at grade GS-15 of the Gen-  
2 eral Schedule.

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

6 “(6) FIELD OFFICES.—

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

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

18 “(C) COMMAND STRUCTURE.—

19 “(i) PRIMARY FIELD OFFICES.—Each  
20 primary field office shall be led by a chief  
21 surface transportation security inspector,  
22 who has significant experience with surface  
23 transportation systems, facilities, and oper-  
24 ations and shall report directly to the Di-  
25 rector.

1                   “(ii) SECONDARY FIELD OFFICES.—  
2                   Each secondary field office shall be led by  
3                   a senior surface transportation security in-  
4                   spector, who shall report directly to the  
5                   chief surface transportation security in-  
6                   spector of a geographically appropriate pri-  
7                   mary field office, as determined by the Di-  
8                   rector.

9                   “(D) PERSONNEL.—Not later than 18  
10                  months after the date of enactment of the Sur-  
11                  face Transportation and Mass Transit Security  
12                  Act of 2011, field offices shall be staffed with—

13                   “(i) not fewer than 7 surface trans-  
14                   portation security inspectors, including one  
15                   chief surface transportation security in-  
16                   spector, at every primary field office; and

17                   “(ii) not fewer than 5 surface trans-  
18                   portation security inspectors, including one  
19                   senior surface transportation security in-  
20                   spector, at every secondary field office.”.

21                  (b) NUMBER OF INSPECTORS.—Section 1304(e) of  
22                  such Act, as redesignated by subsection (a) of this section,  
23                  is amended to read as follows:

24                  “(e) NUMBER OF INSPECTORS; TRAINING.—

1           “(1) NUMBER.—Subject to the availability of  
2           appropriations, the Secretary shall maintain not  
3           fewer than 100 more surface transportation security  
4           inspectors than the number of such inspectors em-  
5           ployed at the end of fiscal year 2010.

6           “(2) TRAINING.—The Director shall provide  
7           initial and recurrent training to each surface trans-  
8           portation inspector that includes counterterrorism  
9           training, audit training, inspections training, and  
10          training on emergency preparedness and response.”.

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

14          (d) REPORT.—Section 1304(h), as redesignated by  
15          subsection (a) of this section, is amended by striking  
16          “2008” and inserting “2011”.

17          (e) PLAN.—Section 1304(i) of such Act, as redesi-  
18          gnated by subsection (a) of this section, is amended to read  
19          as follows:

20           “(i) PLAN.—

21           “(1) IN GENERAL.—Not later than 180 days  
22           after the date of enactment of the Surface Transpor-  
23           tation and Mass Transit Security Act of 2011, the  
24           Assistant Secretary shall submit to the appropriate  
25           congressional committees a plan for expanding the

1 duties, operations, and training of surface transpor-  
2 tation security inspector workforce to enhance the  
3 Transportation Security Administration’s surface  
4 transportation security mission.

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

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

12 “(B) an evaluation of whether the capacity  
13 of the Office to take an active role in the De-  
14 partment’s surface transportation security oper-  
15 ations would be enhanced if all or some of the  
16 surface transportation security inspector work-  
17 force were law enforcement officers;

18 “(C) an analysis of best practices for train-  
19 ing surface transportation security inspectors,  
20 including identifying skills that could be trans-  
21 ferable among inspectors of different modes of  
22 transportation to enhance flexibility;

23 “(D) a requirement that the Office evalu-  
24 ate its Surface Transportation Security Inspec-  
25 tion training program annually for the purpose



1 of incorporating the identified best practices, as  
2 appropriate, and determining whether the pro-  
3 vided training is effective; and

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

7 (f) AUTHORIZATION OF APPROPRIATIONS.—Section  
8 1304 of such Act (6 U.S.C. 1113) is amended by adding  
9 at the end the following:

10 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated such sums as may be  
12 necessary to the Assistant Secretary to carry out this sec-  
13 tion for fiscal years 2012 and 2013.”.

14 (g) CONFORMING AMENDMENT.—Section 1304(b) of  
15 such Act, as redesignated by subsection (a) of this section,  
16 is amended by striking “subsection (e)” and inserting  
17 “subsection (d)”.

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

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

23 (1) in subsection (a) by striking “Administrator  
24 of the Transportation Security Administration,” and  
25 inserting “Assistant Secretary,”;

1           (2) in subsection (a)(2) by inserting “according  
2           to risk,” after “determine”;

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

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

10          “(b) PERFORMANCE MEASURES.—Not later than one  
11         year after enactment of the Surface Transportation and  
12         Mass Transit Security Act of 2011, the Assistant Sec-  
13         retary shall develop and implement a system of qualitative  
14         performance measures and objectives by which to assess  
15         the roles, activities, and effectiveness of VIPR team oper-  
16         ations on an ongoing basis, including a mechanism  
17         through which the transportation entities listed in sub-  
18         section (a)(4) shall submit feedback from surface trans-  
19         portation operators received by the Assistant Secretary on  
20         VIPR team operations involving their systems or facilities.

21          “(c) DEPLOYMENTS.—Not later than one year after  
22         the date of enactment of the Surface Transportation and  
23         Mass Transit Security Act of 2011, the Assistant Sec-  
24         retary shall establish risk-based criteria to evaluate all  
25         proposals for VIPR deployments and, from the date of es-

1 tablishment, shall begin utilizing the criteria for such pur-  
2 poses.

3 “(d) INTEROPERABILITY.—Not later than one year  
4 after the date of enactment of the Surface Transportation  
5 and Mass Transit Security Act of 2011, the Assistant Sec-  
6 retary shall develop and implement a plan for ensuring  
7 the interoperability of communications among all partici-  
8 pating VIPR team components as designated under sub-  
9 section (a)(1) and between VIPR teams and any relevant  
10 transportation entities listed in subsection (a)(4) whose  
11 systems or facilities are involved in VIPR team operations,  
12 including an analysis of the costs and resources required  
13 to carry out the plan.

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

20 **SEC. 5. SURFACE TRANSPORTATION SECURITY STAKE-**  
21 **HOLDER PARTICIPATION.**

22 (a) IN GENERAL.—Title XIII of the Implementing  
23 Recommendations of the 9/11 Commission Act of 2007 (6  
24 U.S.C. 1111 et seq.) is amended by adding at the end  
25 the following:

1 **“SEC. 1311. SURFACE TRANSPORTATION SECURITY ADVI-**  
2 **SORY COMMITTEE.**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Assistant Secretary  
5 shall establish in the Transportation Security Ad-  
6 ministration an advisory committee, to be known as  
7 the Surface Transportation Security Advisory Com-  
8 mittee (in this section referred to as the ‘Advisory  
9 Committee’), to assist the Assistant Secretary with  
10 issues pertaining to surface transportation security.

11 “(2) DUTIES.—

12 “(A) IN GENERAL.—The Advisory Com-  
13 mittee shall develop recommendations for im-  
14 provements to surface transportation security.

15 “(B) RECOMMENDATIONS OF WORKING  
16 GROUPS.—Recommendations agreed upon by  
17 the working groups established under this sec-  
18 tion shall be approved by the Advisory Com-  
19 mittee for transmission to the Assistant Sec-  
20 retary.

21 “(C) PERIODIC REPORTS.—The Advisory  
22 Committee shall periodically submit to the As-  
23 sistant Secretary—

24 “(i) reports on matters identified by  
25 the Assistant Secretary; and

1                   “(ii) reports on other matters identi-  
2                   fied by a majority of the members of the  
3                   Advisory Committee.

4                   “(D) ANNUAL REPORT.—The Advisory  
5                   Committee shall submit to the Assistant Sec-  
6                   retary an annual report providing information  
7                   on the activities, findings, and recommendations  
8                   of the Advisory Committee, including its work-  
9                   ing groups, for the preceding year.

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

14                  “(4) UNPAID POSITION.—Advisory Committee  
15                  Members shall serve at their own expense and re-  
16                  ceive no salary, reimbursement for travel expenses,  
17                  or other compensation from the Federal Govern-  
18                  ment.

19                  “(b) MEMBERSHIP.—

20                  “(1) IN GENERAL.—Not later than 180 days  
21                  after the date of enactment of this section, the As-  
22                  sistant Secretary shall appoint the Advisory Com-  
23                  mittee, which shall consist of individuals rep-  
24                  resenting not more than 27 member organizations.  
25                  Each organization shall be represented by one indi-

1       vidual (or the individual’s designee) and shall in-  
2       clude representatives from public transportation  
3       agencies, passenger rail agencies or operators, rail-  
4       road carriers, motor carriers, owners or operators of  
5       highways, over-the-road bus operators and terminal  
6       owners and operators, pipeline operators, privacy or-  
7       ganizations, labor organizations representing em-  
8       ployees of such entities, and the surface transpor-  
9       tation security technology industry.

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

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

18           “(d) PASSENGER CARRIER SECURITY WORKING  
19       GROUP.—

20           “(1) IN GENERAL.—The Assistant Secretary  
21       shall establish within the Advisory Committee a pas-  
22       senger carrier security working group to provide rec-  
23       ommendations for successful implementation of ini-  
24       tiatives relating to passenger rail, over-the-road bus,  
25       and public transportation security proposed by the

1 Transportation Security Administration in accord-  
2 ance with statutory requirements, including relevant  
3 grant programs and security training provisions.

4 “(2) MEETINGS.—The working group shall  
5 meet at least quarterly and submit information, in-  
6 cluding recommendations, regarding the Transpor-  
7 tation Security Administration’s initiatives relating  
8 to passenger rail, over-the-road bus, and public  
9 transportation security, including grant, training, in-  
10 spection, or other relevant programs authorized in  
11 titles XIII and XIV, and subtitle C of title XV of  
12 this Act.

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

20 “(4) REPORTS.—The working group shall pre-  
21 pare and submit reports to the Assistant Secretary  
22 in accordance with this paragraph that provide rec-  
23 ommendations as described in paragraphs (1) and  
24 (2), for inclusion in the annual report.

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

1           “(1) IN GENERAL.—The Assistant Secretary  
2 shall establish within the Advisory Committee a  
3 freight rail security working group to provide rec-  
4 ommendations for successful implementation of ini-  
5 tiatives relating to freight rail security proposed by  
6 the Transportation Security Administration in ac-  
7 cordance with statutory requirements, including rel-  
8 evant grant programs and security training provi-  
9 sions.

10           “(2) MEETINGS.—The working group shall  
11 meet at least quarterly and submit information, in-  
12 cluding recommendations, regarding freight rail se-  
13 curity to the Advisory Committee for inclusion in the  
14 annual report. The submissions shall include rec-  
15 ommendations to improve the Transportation Secu-  
16 rity Administration’s initiatives relating to freight  
17 rail security, including grant, training, inspection, or  
18 other relevant programs authorized in titles XIII  
19 and XV of this Act.

20           “(3) MEMBERSHIP.—The working group shall  
21 include members from the Advisory Committee with  
22 expertise in freight rail systems and operations, and  
23 shall be co-chaired by a Government and industry  
24 official.



1           “(4) REPORTS.—The working group shall pre-  
2           pare and submit reports to the Assistant Secretary  
3           in accordance with this paragraph that provide rec-  
4           ommendations as described in paragraphs (1) and  
5           (2), for inclusion in the annual report”.

6           (b) CONFORMING AMENDMENT.—The table of con-  
7           tents set forth in section 1(b) of the Implementing Rec-  
8           ommendations of the 9/11 Commission Act of 2007 (Pub-  
9           lic Law 110–53) is amended by inserting after the item  
10          relating to section 1310 the following new item:

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

11       **SEC. 6. HUMAN CAPITAL PLAN FOR SURFACE TRANSPOR-**  
12                               **TATION SECURITY PERSONNEL.**

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

20          (b) CONSULTATION.—In developing the human cap-  
21          ital plan, the Assistant Secretary shall consult with the  
22          Chief Human Capital Officer of the Department of Home-  
23          land Security, the Director of the Surface Transportation  
24          Security Inspection Office, the Inspector General of the

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

3 (c) APPROVAL.—Prior to submission, the human cap-  
4 ital plan shall be reviewed and approved by the Chief  
5 Human Capital Officer of the Department of Homeland  
6 Security.

7 (d) WORKFORCE STUDY.—Not later than 180 days  
8 after the date of enactment of this Act, the Chief Human  
9 Capital Officer of the Department of Homeland Security  
10 shall conduct a workforce study of the Transportation Se-  
11 curity Inspection Program to assess full-time equivalent  
12 personnel requirements for transportation security inspec-  
13 tors. The workforce study shall evaluate the extent to  
14 which the Assistant Secretary has—

15 (1) addressed recommendations issued by the  
16 Comptroller General of the United States and the  
17 Inspector General of the Department of Homeland  
18 Security regarding the management of the transpor-  
19 tation security inspector workforce; and

20 (2) established projections for full-time equiva-  
21 lent personnel requirements to execute responsibil-  
22 ities, including training and security assessments,  
23 with respect to public transportation agencies, rail  
24 carriers, and intercity bus carriers.

1 **SEC. 7. SURFACE TRANSPORTATION SECURITY TRAINING.**

2 (a) STATUS REPORT.—Not later than 30 days after  
3 the date of enactment of this Act, the Secretary shall sub-  
4 mit a report to the appropriate congressional committees  
5 on the status of the Department’s implementation of sec-  
6 tions 1408, 1517, and 1534 of the Implementing Rec-  
7 ommendations of the 9/11 Commission Act of 2007 (6  
8 U.S.C. 1137, 1167, and 1184), including detailed time-  
9 frames for development and issuance of the transportation  
10 security training regulations required under such sections.

11 (b) PRIVATE PROVIDERS.—Not later than one year  
12 after the date of enactment of this Act, the Assistant Sec-  
13 retary shall identify criteria and establish a process for  
14 approving and maintaining a list of approved private  
15 third-party providers of security training with whom sur-  
16 face transportation entities may enter into contracts, as  
17 needed, for the purpose of satisfying security training re-  
18 quirements of the Department of Homeland Security, in-  
19 cluding requirements developed under sections 1408,  
20 1517, and 1534 of the Implementing Recommendations  
21 of the 9/11 Commission Act of 2007 (6 U.S.C. 1137,  
22 1167, and 1184), in accordance with section 103 of this  
23 Act.

24 **SEC. 8. FINDINGS; SENSE OF CONGRESS.**

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

1           (1) According to the Worldwide Incidents  
2 Tracking System maintained by the National  
3 Counter Terrorism Center, from January 2004 to  
4 July 2008, 530 terrorist attacks were waged world-  
5 wide against mass transit systems, resulting in over  
6 2,000 deaths and over 9,000 injuries.

7           (2) Rail and mass transit systems are an at-  
8 tractive target for terrorists and terrorist organiza-  
9 tions as evidenced by the March 2004 attack on the  
10 Madrid, Spain system, the July 2005 attack on the  
11 London, England system, the July 2006 and No-  
12 vember 2008 attacks on the Mumbai, India system,  
13 and the March 2010 attack on the Moscow, Russia  
14 system.

15           (3) In 2009, United States law enforcement en-  
16 tities uncovered and disrupted a major plot by an al  
17 Qaeda terrorist to attack the New York City subway  
18 system.

19           (4) Each weekday 11,300,000 passengers de-  
20 pend on our Nation's mass transit systems as a  
21 means of transportation.

22           (b) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that—

24           (1) our Nation's rail and mass transit systems  
25 are critical infrastructure that facilitate our Nation's

1 economy, and the Department of Homeland Security  
2 has a critical role to play to help protect this critical  
3 infrastructure against terrorist attack and other se-  
4 curity threats;

5 (2) the Transportation Security Grant Pro-  
6 gram, as administered by the Department of Home-  
7 land Security, provides critical resources to transit  
8 agencies in high-risk areas for operational security  
9 enhancements and on-the-ground efforts to reduce  
10 the consequences of a terrorist attack; and

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

16 **SEC. 9. TRANSPORTATION SECURITY GRANT PROGRAM.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that grants under the Transportation Security  
19 Grant Program, as administered by the Department of  
20 Homeland Security, should be provided to high-risk sur-  
21 face transportation systems in a manner that supports re-  
22 gional security cooperation.

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

1 p r i a t e c o n g r e s s i o n a l c o m m i t t e e s r e p o r t o n t h e r o l e s a n d  
2 r e s p o n s i b i l i t i e s o f t h e T r a n s p o r t a t i o n S e c u r i t y A d m i n i s t r a -  
3 t i o n , t h e F e d e r a l E m e r g e n c y M a n a g e m e n t A g e n c y a n d a n y  
4 o t h e r r e l e v a n t c o m p o n e n t o f t h e D e p a r t m e n t o f H o m e l a n d  
5 S e c u r i t y i n a d m i n i s t e r i n g s e c u r i t y a s s i s t a n c e g r a n t s u n d e r  
6 s e c t i o n 1 4 0 6 o f t h e I m p l e m e n t i n g R e c o m m e n d a t i o n s o f  
7 t h e 9 / 1 1 C o m m i s s i o n A c t o f 2 0 0 7 ( 6 U . S . C . 1 1 3 5 ) .

8 (c) CONTENTS.—The report shall—

9 (1) describe the roles and responsibilities of the  
10 T r a n s p o r t a t i o n S e c u r i t y A d m i n i s t r a t i o n a n d F e d e r a l  
11 E m e r g e n c y M a n a g e m e n t A g e n c y , a t d i f f e r e n t s t a g e s  
12 o f t h e g r a n t p r o c e s s , i n c l u d i n g t h e a l l o c a t i o n s t a g e ,  
13 t h e a w a r d s t a g e , a n d t h e d i s t r i b u t i o n s t a g e ;

14 (2) identify areas in which relevant components  
15 o f t h e D e p a r t m e n t , i n c l u d i n g t h e T r a n s p o r t a t i o n S e -  
16 c u r i t y A d m i n i s t r a t i o n a n d F e d e r a l E m e r g e n c y M a n -  
17 a g e m e n t A g e n c y , m a y b e t t e r i n t e g r a t e o r c o o r d i n a t e  
18 t h e i r a c t i v i t i e s i n o r d e r t o s t r e a m l i n e t h e g r a n t a d -  
19 m i n i s t r a t i o n p r o c e s s a n d i m p r o v e t h e e f f i c i e n c y o f  
20 t h e p r o j e c t a p p r o v a l p r o c e s s f o r g r a n t e e s ;

21 (3) assess the current state of public transpor-  
22 t a t i o n a n d p a s s e n g e r r a i l s e c u r i t y e x p e r t i s e p o s -  
23 s e s s e d b y r e l e v a n t p e r s o n n e l i n v o l v e d i n t h e g r a n t  
24 a d m i n i s t r a t i o n o r p r o j e c t a p p r o v a l p r o c e s s e s c a r r i e d  
25 o u t b y r e l e v a n t c o m p o n e n t s o f t h e D e p a r t m e n t , i n -

1 including the Transportation Security Administration  
2 and Federal Emergency Management Agency; and

3 (4) include recommendations for how each rel-  
4 evant component of the Department, including the  
5 Transportation Security Administration, may further  
6 clarify, coordinate, or maximize its roles and respon-  
7 sibilities in administering grant funds and approving  
8 grant projects under such section 1406.

9 **SEC. 10. PASSENGER RAIL SECURITY DEMONSTRATION**  
10 **PROJECT.**

11 (a) **DEMONSTRATION PROJECT.**—The Assistant Sec-  
12 retary, in consultation with the Under Secretary for  
13 Science and Technology of the Department of Homeland  
14 Security, may conduct a demonstration project in a pas-  
15 senger rail system to test and assess the feasibility and  
16 effectiveness of technologies to strengthen the security of  
17 passenger rail systems against terrorist attacks involving  
18 the use of improvised explosive devices.

19 (b) **SECURITY TECHNOLOGIES.**—Any demonstration  
20 project under this section shall test and assess tech-  
21 nologies, such as canines and commercially available tech-  
22 nologies, to—

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

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

3           (c) REPORT TO CONGRESS.—Not later than 180 days  
4 after completion of the demonstration project under this  
5 section, the Assistant Secretary shall submit a report to  
6 the appropriate congressional committees on the results  
7 of the demonstration project.

8 **SEC. 11. EXPLOSIVES DETECTION CANINE TEAMS.**

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

12           (1) in subsection (b)—

13                   (A) in paragraph (1)(A), by striking  
14 “2010” and inserting “2011”; and

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

17           “(3) ALLOCATION.—

18                   “(A) IN GENERAL.—The Assistant Sec-  
19 retary shall increase the number of canine  
20 teams certified by the Transportation Security  
21 Administration for the purpose of passenger  
22 rail and public transportation security activities  
23 to not less than 200 canine teams by the end  
24 of fiscal year 2011.



1           “(B) COOPERATIVE AGREEMENTS.—The  
2 Assistant Secretary shall expand the use of ca-  
3 nine teams to enhance passenger rail and public  
4 transportation security by entering into cooper-  
5 ative agreements with passenger rail and public  
6 transportation agencies eligible for security as-  
7 sistance under section 1406 of this Act for the  
8 purpose of deploying and maintaining canine  
9 teams to such agencies for use in passenger rail  
10 or public transportation security activities and  
11 providing for assistance in an amount not less  
12 than \$75,000 for each canine team deployed, to  
13 be adjusted by the Assistant Secretary for infla-  
14 tion.

15           “(C) AUTHORIZATION OF APPROPRIA-  
16 TIONS.—There are authorized to be appro-  
17 priated to the Assistant Secretary such sums as  
18 may be necessary to carry out this paragraph  
19 for fiscal years 2012 and 2013.”;

20 (2) in subsection (d)—

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

24           (B) in paragraph (3), by striking “and”;

1 (C) in paragraph (4), by striking the pe-  
2 riod at the end and inserting the following: “;  
3 and”; and

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

6 “(5) expand the use of canine teams trained to  
7 detect vapor wave trails in passenger rail and public  
8 transportation security environments, as the Sec-  
9 retary, in consultation with the Assistant Secretary,  
10 determines appropriate.”;

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

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

16 “(f) REPORT.—Not later than one year after the date  
17 of the enactment of the Surface Transportation and Mass  
18 Transit Security Act of 2011, the Comptroller General of  
19 the United States shall submit to the appropriate congres-  
20 sional committees a report on—

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

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

1           “(3) how the Assistant Secretary could better  
2           support State and local passenger rail and public  
3           transportation entities in maintaining certified ca-  
4           nine teams for the life of the canine, including by  
5           providing financial assistance.”.

6   **SEC. 12. MASS TRANSIT AND OTHER SURFACE TRANSPOR-**  
7                           **TATION SECURITY AWARENESS PROGRAM.**

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

12   **“SEC. 1543. SURFACE TRANSPORTATION SECURITY AWARE-**  
13                           **NESS PROGRAM.**

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

15               “(1) According to the Federal Highway Admin-  
16               istration, the Nation’s highway transportation sys-  
17               tem includes approximately 4 million miles of road-  
18               ways, 600,000 bridges, and 50 tunnels of more than  
19               500 meters in length, supports 86 percent of all per-  
20               sonal travel and 80 percent of the Nation’s freight,  
21               and serves as a key component in national defense  
22               mobility.

23               “(2) The United States highway system is in-  
24               herently vulnerable to terrorist attack because of its  
25               inherent openness, where vehicles and their opera-

1       tors can move freely and virtually without restric-  
2       tion.

3               “(3) The Transportation Security Administra-  
4       tion’s voluntary surface and mass transportation se-  
5       curity awareness program, known as the First Ob-  
6       server Program, leverages the skills and experience  
7       of transportation professionals, including truck driv-  
8       ers, and empowers them to act as ‘first observers’ in  
9       reporting suspicious activities to Federal security au-  
10      thorities.

11              “(4) The Transportation Security Administra-  
12      tion credits the First Observer Program with helping  
13      to disrupt the hijacking of an inter-state bus trav-  
14      eling from Richmond, Virginia, to Durham, North  
15      Carolina, and a potential terrorist plot involving the  
16      purchase and transport of suspiciously large quan-  
17      tities of hazardous chemicals.

18              “(b) REQUIREMENT TO CARRY OUT FIRST OB-  
19      SERVER PROGRAM.—The Secretary shall carry out a First  
20      Observer Program, under which mass transit and other  
21      surface transportation professionals and related stake-  
22      holders may report to the Assistant Secretary suspicious  
23      activities or security threats that may be related to a po-  
24      tential transportation security incident or act of terrorism.

1       “(c) PROGRAM REQUIREMENTS.—Under the First  
2 Observer Program the Assistant Secretary shall—

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

8               “(2) evaluate reports received from surface  
9 transportation professionals and transmit informa-  
10 tion, as appropriate, to relevant State, local, tribal  
11 law enforcement and private sector partners;

12               “(3) disburse voluntary guidance to private sec-  
13 tor partners, including motor coach operators, school  
14 bus operators, trucking companies, parking facility  
15 operators, professional athletic venue operators, port  
16 operators, indirect air carriers, on how to identify  
17 and report a suspicious activity or security threat  
18 that may be related to a potential transportation se-  
19 curity incident or act of terrorism; and

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

24       “(d) REPORTS.—Not later than one-year after enact-  
25 ment of the Surface Transportation and Mass Transit Se-

1 security Act of 2011, the Assistant Secretary shall submit  
2 to the appropriate congressional committees information  
3 on the Assistant Secretary’s activities under this section  
4 including information on the extent to which private sector  
5 partners participated in the program, the number reports  
6 received at the call center, the disposition of those reports,  
7 and the impact of the program on the Assistant Sec-  
8 retary’s efforts to secure surface transportation modes.

9 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Secretary  
11 \$5,000,000 annually for the necessary expenses of the  
12 First Observer Program.”.

13 (b) CONFORMING AMENDMENT.—The table of con-  
14 tents set forth in section 1(b) of the Implementing Rec-  
15 ommendations of the 9/11 Commission Act of 2007 is  
16 amended by inserting after the item relating to section  
17 1542 the following new item:

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

18 **SEC. 13. DEFINITIONS.**

19 In this Act:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
21 TEES.—The term “appropriate congressional com-  
22 mittees” means the Committee on Homeland Secu-  
23 rity of the House of Representatives and any com-  
24 mittee of the House of Representatives or the Senate  
25 having legislative jurisdiction under the rules of the

1 House of Representatives or Senate, respectively,  
2 over the matter concerned.

3 (2) ASSISTANT SECRETARY.—The term “Assist-  
4 ant Secretary” means the Assistant Secretary of  
5 Homeland Security (Transportation Security Admin-  
6 istration).

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

○