

112TH CONGRESS
1ST SESSION

H. R. 3011

To authorize the programs of the Transportation Security Administration relating to the provision of transportation security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2011

Mr. ROGERS of Alabama (for himself, Mr. KING of New York, Mr. DANIEL E. LUNGREN of California, Mr. WALBERG, Mr. CRAVAACK, and Mr. BROOKS) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the programs of the Transportation Security Administration relating to the provision of transportation security, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Transportation Security Administration Authorization
6 Act of 2011”.

7 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Authorization of appropriations.

TITLE II—AVIATION SECURITY

Subtitle A—Reform

PART 1—AIRPORT SCREENING

- Sec. 201. Checkpoint screening of passengers.
- Sec. 202. Trusted passenger credential.
- Sec. 203. Security screening of individuals with metal implants, prosthetics, and physical disabilities traveling in air transportation.
- Sec. 204. Security screenings of children.
- Sec. 205. Requirements for baggage screening technology.
- Sec. 206. Explosives detection canine teams for aviation security.
- Sec. 207. Pilot program on security screening of passengers on commercial flights originating outside the United States.
- Sec. 208. Standard operating procedures at airport checkpoints.
- Sec. 209. Advanced passenger prescreening system.
- Sec. 210. Screening in areas other than primary passenger terminals.
- Sec. 211. Automated targeting recognition software.
- Sec. 212. Disabling image retention.
- Sec. 213. Screening strategy.

PART 2—TRANSPORTATION SECURITY OFFICER TRAINING AND ACCOUNTABILITY

- Sec. 221. Prohibition of advance notice of covert testing to security screeners.
- Sec. 222. Transportation security training programs.
- Sec. 223. Hiring preference for part-time employees.
- Sec. 224. Removal of Administration officers due to performance.
- Sec. 225. Administration ombudsman office.

PART 3—AIR CARGO SECURITY

- Sec. 241. Air cargo advanced screening pilot program.
- Sec. 242. Status of efforts to promote air cargo shipper certification.
- Sec. 243. Explosive detection canine teams for air cargo security.

PART 4—INFORMATION SHARING AND SECURITY DIRECTIVES

- Sec. 261. TSA and homeland security information sharing.
- Sec. 262. Issuance of regulations and security directives using emergency procedures.

Subtitle B—Other Matters

- Sec. 281. Efficiency review by Assistant Secretary.
- Sec. 282. Aviation security stakeholder participation.
- Sec. 283. Detailed aviation security technology plans for airports.
- Sec. 284. Federal air marshals.
- Sec. 285. Canine detection research and development.
- Sec. 286. Vendor enhancements.

- Sec. 287. Security risk assessment of airport perimeter access controls.
- Sec. 288. Electromagnetic emissions from passenger screening equipment deployed in airports.
- Sec. 289. Electromagnetic emissions exposure assessment.
- Sec. 290. Reimbursement for airports that have incurred eligible costs.
- Sec. 291. Review of airport security plans.
- Sec. 292. Security procedures during temporary flight restrictions.
- Sec. 293. Security training and assistance to foreign airports.
- Sec. 294. Federal air marshal risk assessments.
- Sec. 295. Protection of the names Federal Air Marshal and Administration.
- Sec. 296. Allowable costs on airport security improvement projects.
- Sec. 297. Report on diversity efforts.
- Sec. 298. Report to Congress on time and attendance programs for transportation security officers.

TITLE III—SURFACE TRANSPORTATION SECURITY

Subtitle A—Streamlining Threat Assessments for Credentials

- Sec. 301. Definitions.
- Sec. 302. Task force.
- Sec. 303. Limitations on rulemaking.
- Sec. 304. Surface transportation credentialing.
- Sec. 305. Transportation worker identification credential enrollment centers.
- Sec. 306. Limitation on issuance of HAZMAT licenses.
- Sec. 307. Deadlines and effective dates.
- Sec. 308. Streamlining credentials for secure area access at airports.
- Sec. 309. Jobs impact.

Subtitle B—Security Assistance and Enhancements

- Sec. 321. Visible intermodal prevention and response teams.
- Sec. 322. Transit security grants.
- Sec. 323. Freight rail security demonstration project.
- Sec. 324. Explosives detection canine teams for surface transportation.
- Sec. 325. Pipeline security study.
- Sec. 326. Repeal of limitation relating to motor carrier security-sensitive material tracking technology.

Subtitle C—Information Sharing

- Sec. 341. Surface Transportation Security stakeholder participation.
- Sec. 342. Plan to improve information sharing.
- Sec. 343. Best practices sharing.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) The term “Department” means the Depart-
4 ment of Homeland Security.

5 (2) The term “Secretary” means the Secretary
6 of Homeland Security.

1 (3) The term “Assistant Secretary” means the
2 Assistant Secretary of Homeland Security (Trans-
3 portation Security Administration).

4 (4) The term “Administration” means the
5 Transportation Security Administration.

6 (5) The term “Aviation Security Advisory Com-
7 mittee” means the advisory committee established by
8 section 44946 of title 49, United States Code, as
9 added by this Act.

10 (6) The term “trusted passenger” means any
11 passenger eligible for expedited screening through a
12 checkpoint, as determined by the Assistant Sec-
13 retary.

14 **TITLE I—AUTHORIZATION OF**
15 **APPROPRIATIONS**

16 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the Sec-
18 retary \$7,822,743,000 for fiscal year 2012 and
19 \$7,588,743,000 for fiscal year 2013 for the necessary ex-
20 penses of the Administration for such fiscal years.

21 **TITLE II—AVIATION SECURITY**

22 **Subtitle A—Reform**

23 **PART 1—AIRPORT SCREENING**

24 **SEC. 201. CHECKPOINT SCREENING OF PASSENGERS.**

25 (a) TRUSTED PASSENGER SCREENING PROGRAM.—

1 (1) IN GENERAL.—Section 44901 of title 49,
2 United States Code is amended—

3 (A) by redesignating subsections (a)
4 through (k) as subsections (b) through (l), re-
5 spectively; and

6 (B) by inserting before subsection (b), as
7 so redesignated, the following new subsection
8 (a):

9 “(a) CHECKPOINT SCREENING OF PASSENGERS.—

10 “(1) IN GENERAL.—The Assistant Secretary of
11 Homeland Security (Transportation Security Admin-
12 istration) shall carry out a risk-based program at
13 airport checkpoints that provides expedited screening
14 for trusted passengers based on a comprehensive
15 analysis of factors which may include but not be lim-
16 ited to:

17 “(A) Low-risk population determinations.

18 “(B) Security threat assessments and
19 background checks.

20 “(C) Travel frequency analysis, travel pat-
21 tern analysis.

22 “(2) BRIEF ASSESSMENT INTERVIEW.—As part
23 of the program required by paragraph (1), a brief
24 assessment interview of passengers not eligible for
25 expedited screening may be conducted by a transpor-

1 tation security officer who has received appropriate
2 training to conduct such interviews.

3 “(3) INSPECTOR GENERAL REVIEWS.—The In-
4 spector General of the Department shall review the
5 program required by paragraph (1) on a quarterly
6 basis and submit to the Committee on Homeland Se-
7 curity of the House of Representatives and other ap-
8 propriate committees of Congress reports on the re-
9 sults of such reviews.

10 “(4) CONSIDERATION OF OTHER PROGRAMS.—
11 In developing the trusted passenger program re-
12 quired by paragraph (1), the Assistant Secretary
13 shall review and consider all trusted passenger pro-
14 grams established pursuant to section 109(a)(3) of
15 the Aviation Transportation Security Act (Public
16 Law 107–71; 115 Stat. 613; 49 U.S.C. 114 note),
17 including the Registered Traveler program and any
18 other Department of Homeland Security pilot or
19 operational trusted passenger programs.

20 “(5) OTHER TRUSTED PASSENGER PRO-
21 GRAMS.—In addition to the program established
22 under paragraph (1), the Assistant Secretary may
23 elect to designate trusted passenger status to pas-
24 sengers who are members of other governmental or
25 non-governmental trusted passenger programs, as

1 long as such passengers meet the standards and re-
2 quirements set by the Assistant Secretary.

3 “(6) SUSPENSION.—The Assistant Secretary
4 shall have the authority to suspend expedited screen-
5 ing for trusted passengers as security conditions
6 may warrant.

7 “(7) TRUSTED PASSENGER DEFINED.—In this
8 subsection, the term ‘trusted passenger’ means any
9 passenger eligible for expedited screening through a
10 checkpoint, as determined by the Assistant Sec-
11 retary.”.

12 (2) IMPLEMENTATION.—The Assistant Sec-
13 retary shall establish the program required by sub-
14 section (c) of section 44901 of title 49, United
15 States Code, as added by paragraph (1), by not later
16 than 180 days after the date of the enactment of
17 this Act.

18 (3) REPORT TO CONGRESS.—Not later than
19 180 days after first implementing the program re-
20 quired by subsection (c) of section 44901 of title 49,
21 United States Code, as added by paragraph (1), the
22 Assistant Secretary shall submit to the Committee
23 on Homeland Security of the House of Representa-
24 tives and the Committee on Commerce, Science, and

1 Transportation of the Senate a report on the status
2 and efficacy of the program.

3 (b) SECURITY SCREENING FOR MEMBERS OF THE
4 ARMED FORCES.—

5 (1) IN GENERAL.—Section 44901 of title 49,
6 United States Code, as amended by subsection (a),
7 is further amended—

8 (A) by redesignating subsections (d)
9 through (l), as redesignated by subsection (a),
10 as subsections (e) through (m), respectively;

11 (B) by inserting after subsection (c) the
12 following new subsection (d):

13 “(d) SECURITY SCREENING FOR MEMBERS OF THE
14 ARMED FORCES.—

15 “(1) IN GENERAL.—The Assistant Secretary of
16 Homeland Security (Transportation Security Admin-
17 istration) shall develop and implement a plan to pro-
18 vide expedited security screening services for a mem-
19 ber of the Armed Forces, and any accompanying
20 family member, when the member of the Armed
21 Forces presents documentation indicating official or-
22 ders while in uniform through a primary airport (as
23 defined by section 47102 of this title).

24 “(2) PROTOCOLS.—In developing the plan, the
25 Assistant Secretary shall consider—

1 “(A) leveraging existing security screening
2 models used by airports and air carriers to re-
3 duce passenger wait times before entering a se-
4 curity screening checkpoint;

5 “(B) establishing standard guidelines for
6 the screening of military uniform items, includ-
7 ing combat boots; and

8 “(C) incorporating any new screening pro-
9 tocols into an existing trusted passenger pro-
10 gram, as established pursuant to section
11 109(a)(3) of the Aviation and Transportation
12 Security Act (Public Law 107–71; 115 Stat.
13 613; 49 U.S.C. 114 note) or subsection (c), or
14 into the development of any new credential or
15 system that incorporates biometric technology
16 and other applicable technologies to verify the
17 identity of individuals traveling in air transpor-
18 tation.

19 “(3) REPORT TO CONGRESS.—The Assistant
20 Secretary shall submit to the appropriate committees
21 of Congress a report on the implementation of the
22 plan.”;

23 (C) in subsection (g), as so redesignated,
24 by striking “subsection (b)(1)(A)” and inserting
25 “subsection (c)(1)(A)”; and

1 (D) in subsection (j)(2), as so redesignig-
2 nated, by striking “subsection (c)” and insert-
3 ing “subsection (e)”.

4 (2) EFFECTIVE DATE.—Not later than 180
5 days after the date of the enactment of this Act, the
6 Assistant Secretary shall establish the plan required
7 by the amendments made by paragraph (1).

8 **SEC. 202. TRUSTED PASSENGER CREDENTIAL.**

9 Section 44903(h) of title 49, United States Code, is
10 amended—

11 (1) by redesignating paragraph (7) as para-
12 graph (8); and

13 (2) by inserting after paragraph (6) the fol-
14 lowing:

15 “(7) TRUSTED PASSENGER CREDENTIAL.—Not
16 later than one year after the date of the enactment
17 of the Transportation Security Administration Au-
18 thorization Act of 2011, the Assistant Secretary of
19 Homeland Security (Transportation Security Admin-
20 istration) shall—

21 “(A) work with industry to establish stand-
22 ards for a voluntary trusted passenger creden-
23 tial that incorporates biometric identifier tech-
24 nology;

1 “(B) establish a process by which the cre-
2 dential will be used to verify the identity of
3 trusted passengers and allow them expedited
4 passenger and carry-on baggage screening;

5 “(C) establish procedures—

6 “(i) to ensure that only trusted pas-
7 sengers are issued the trusted passenger
8 credential;

9 “(ii) to resolve failures to enroll, false
10 matches, and false nonmatches relating to
11 use of the trusted passenger credential;
12 and

13 “(iii) to invalidate any trusted pas-
14 senger credential that is lost, stolen, or no
15 longer authorized for use;

16 “(D) establish standards for the issuance
17 of the trusted passenger credential to each
18 trusted passenger that applies for a credential;

19 “(E) establish eligibility procedures for the
20 trusted passenger credential;

21 “(F) take such other actions with respect
22 to the trusted passenger credential as the As-
23 sistant Secretary considers appropriate; and

1 “(G) ensure that the credential is not re-
2 quired for expedited screening under section
3 44901(a) of this title.”.

4 **SEC. 203. SECURITY SCREENING OF INDIVIDUALS WITH**
5 **METAL IMPLANTS, PROSTHETICS, AND PHYS-**
6 **ICAL DISABILITIES TRAVELING IN AIR**
7 **TRANSPORTATION.**

8 Section 44901 of title 49, United States Code, as
9 amended by section 201, is further amended—

10 (1) by redesignating subsections (e) through
11 (m), as redesignated by section 201, as subsections
12 (f) through (n), respectively; and

13 (2) by inserting after subsection (d), as inserted
14 by section 201, the following new subsection (e):

15 “(e) **SECURITY SCREENING OF INDIVIDUALS WITH**
16 **METAL IMPLANTS, PROSTHETICS, PHYSICAL DISABIL-**
17 **ITIES, AND SPECIAL MEDICAL NEEDS TRAVELING IN AIR**
18 **TRANSPORTATION.—**

19 “(1) **IN GENERAL.—**The Assistant Secretary of
20 Homeland Security (Transportation Security Admin-
21 istration) shall carry out a program to ensure appro-
22 priate treatment in the screening of individuals with
23 metal implants, prosthetics, and physical disabilities
24 traveling in air transportation.

1 “(2) PLAN.—Not later than 180 days after the
2 date of the enactment of the Transportation Secu-
3 rity Administration Authorization Act of 2011, the
4 Assistant Secretary shall submit a plan to the Com-
5 mittee on Homeland Security of the House of Rep-
6 resentatives for improving security screening proce-
7 dures for individuals with metal implants, pros-
8 thetics, and physical disabilities to limit disruptions
9 in the screening process while maintaining security.
10 The plan shall include an analysis of approaches to
11 limit such disruptions for individuals with metal im-
12 plants, and benchmarks for implementing changes to
13 the screening process.

14 “(3) PROGRAM.—Not later than 180 days after
15 the date of the enactment of the Transportation Se-
16 curity Administration Authorization Act of 2011, the
17 Assistant Secretary shall implement a program to
18 improve security screening procedures for individuals
19 with metal implants, prosthetics, or physical disabil-
20 ities to limit disruptions in the screening process
21 while maintaining security.

22 “(4) METAL IMPLANT DEFINED.—In this para-
23 graph, the term ‘metal implant’ means a metal de-
24 vice or object that has been surgically implanted or
25 otherwise placed in the body of an individual, includ-

1 ing any metal device used in a hip or knee replace-
2 ment, metal plate, metal screw, metal rod inside a
3 bone, and other metal orthopedic implants.”.

4 **SEC. 204. SECURITY SCREENINGS OF CHILDREN.**

5 Section 44901 of title 49, United States Code, as
6 amended by sections 201 and 202, is further amended—

7 (1) by redesignating subsections (f) through
8 (n), as redesignated by section 202, as subsections
9 (g) through (o), respectively; and

10 (2) by inserting after subsection (e), as inserted
11 by section 202, the following new subsection (f):

12 “(f) SECURITY SCREENING OF CHILDREN.—

13 “(1) IN GENERAL.—A child shall not be subject
14 to pat-down screening before boarding a passenger
15 aircraft, unless a screening anomaly cannot be rea-
16 sonably resolved by checkpoint technology. If a
17 screening anomaly cannot be resolved by checkpoint
18 technology, the anomaly may be resolved by the
19 child’s parent or guardian as directed by a transpor-
20 tation security officer or by a transportation security
21 officer with the expressed consent of the child’s par-
22 ent or guardian. Such a pat-down may be conducted
23 in a private setting at the request of the parent or
24 guardian. Any such pat-down conducted in a private
25 setting of a child who is 16 years of age or younger

1 must be conducted in the presence of the child’s par-
2 ent or guardian.

3 “(2) RANDOM SCREENING.—Children shall not
4 be subject to random pat-down screenings, unless
5 the Assistant Secretary of Homeland Security
6 (Transportation Security Administration) determines
7 that threat conditions warrant such screenings.”.

8 **SEC. 205. REQUIREMENTS FOR BAGGAGE SCREENING**
9 **TECHNOLOGY.**

10 (a) IMPLEMENTATION OF REQUIREMENTS FOR
11 CHECKED BAGGAGE.—Not later than one year after the
12 date of the enactment of this Act, the Assistant Secretary
13 shall develop and implement plans to—

14 (1) acquire needed data for implementation of
15 the Administration’s 2010 explosives detection sys-
16 tem requirements; and

17 (2) deploy explosives detection systems that
18 meet those requirements, whether through new ac-
19 quisitions or through upgrading existing systems.

20 (b) ESTABLISHMENT OF NEW REQUIREMENTS.—Not
21 later than 180 days after the date of the enactment of
22 this Act, the Assistant Secretary shall establish and pub-
23 lish detailed technical requirements for screening tech-
24 nologies for all carry-on baggage and cargo destined for
25 commercial aircraft.

1 (c) COORDINATION.—The Assistant Secretary may
2 coordinate with the Under Secretary of Homeland Secu-
3 rity for Science and Technology to ensure that the require-
4 ments provided for under subsection (b) and any related
5 research and development requirements published by the
6 Under Secretary are aligned to the greatest extent pos-
7 sible.

8 (d) COMMUNICATION WITH INDUSTRY.—The Assist-
9 ant Secretary shall establish a process to communicate
10 with industry in an open and timely manner regarding ac-
11 quisition of baggage screening technology and the require-
12 ments for such technology.

13 (e) IN-LINE BAGGAGE SCREENING STUDY.—The As-
14 sistant Secretary shall consult with the Aviation Security
15 Advisory Committee and submit to the Committee on
16 Homeland Security of the House of Representatives and
17 the Committee on Commerce, Science, and Transportation
18 of the Senate a report on the Administration’s plans, esti-
19 mated costs, and current benchmarks for replacing explo-
20 sive detection equipment that is nearing the end of its life
21 cycle or needs to be upgraded to meet current standards.

22 **SEC. 206. EXPLOSIVES DETECTION CANINE TEAMS FOR**
23 **AVIATION SECURITY.**

24 (a) PASSENGER SCREENING TEAMS.—The Assistant
25 Secretary shall ensure that by the end of 2013 at least

1 100 explosives detection canine teams are used for pas-
2 senger screening purposes at large airports in the United
3 States at which the Administration has passenger screen-
4 ing responsibilities.

5 (b) PROHIBITION OF USE OF EXISTING TEAMS.—
6 The Assistant Secretary shall ensure that explosives detec-
7 tion canine teams used for transportation security activi-
8 ties before the date of enactment of this Act are not used
9 to meet the requirement under subsection (a).

10 (c) USE OF CANINES TO RESOLVE SCREENING
11 ANOMALIES.—Where canine teams trained to screen pas-
12 sengers are available in airports in the United States at
13 which the Administration has passenger screening respon-
14 sibilities, the Assistant Secretary may use such teams to
15 resolve screening anomalies.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—Of the
17 amounts authorized to be appropriated under section 101,
18 there is authorized to be appropriated \$25,000,000 to
19 carry out this section.

20 **SEC. 207. PILOT PROGRAM ON SECURITY SCREENING OF**
21 **PASSENGERS ON COMMERCIAL FLIGHTS**
22 **ORIGINATING OUTSIDE THE UNITED STATES.**

23 Not later than 90 days after the enactment of this
24 Act, the Assistant Secretary, working in cooperation with
25 the Commissioner of Customs and Border Protection,

1 shall develop and carry out a pilot program at a large air-
2 port to test the feasibility of streamlining and eliminating
3 duplicative aviation security screening of baggage and pas-
4 sengers arriving in the United States from certain last
5 point of departure airports selected by the Assistant Sec-
6 retary who continue on domestic United States flights to
7 a final destination.

8 **SEC. 208. STANDARD OPERATING PROCEDURES AT AIR-**
9 **PORT CHECKPOINTS.**

10 (a) STANDARDIZATION.—Not later than 180 days
11 after the date of the enactment of this Act, the Assistant
12 Secretary shall require, to the extent practicable, that
13 standard operating procedures at airport checkpoints for
14 passengers and carry-on baggage are standardized and
15 carried out in a uniform manner among similarly situated
16 airports.

17 (b) REPORT TO CONGRESS.—Not later than 270 days
18 after the date of the enactment of this Act, the Assistant
19 Secretary shall submit to the Committee on Homeland Se-
20 curity of the House of Representatives and the Committee
21 on Commerce, Science, and Transportation of the Senate
22 a report on how standard operating procedures were
23 standardized and made uniform in accordance with sub-
24 section (a).

1 (c) AUDITS.—Beginning one year after the date of
2 the enactment of this Act, the Inspector General of the
3 Department shall conduct periodic audits of adherence to
4 the standard operating procedures, as established by the
5 Assistant Secretary, by screening personnel at large, me-
6 dium, and small airports in diverse geographical areas.

7 **SEC. 209. ADVANCED PASSENGER PRESCREENING SYSTEM.**

8 Not later than 90 days after the date of the enact-
9 ment of this Act, the Comptroller General of the United
10 States shall submit to the Committee on Homeland Secu-
11 rity of the House of Representatives and the Committee
12 on Commerce, Science, and Transportation of the Senate
13 a report that—

14 (1) describes the progress made by the Depart-
15 ment in implementing the advanced passenger
16 prescreening system; and

17 (2) identifies the total number of misidentified
18 passengers who must undergo secondary screening
19 or have been prevented from boarding a plane dur-
20 ing the preceding year.

21 **SEC. 210. SCREENING IN AREAS OTHER THAN PRIMARY**
22 **PASSENGER TERMINALS.**

23 The Administration is authorized to provide screen-
24 ing services to commercial air carriers in areas other than
25 primary passenger terminals upon the request of a com-

1 mercial air carrier. A commercial air carrier shall direct
2 any such request to the Federal Security Director for the
3 airport where services are needed. A Federal Security Di-
4 rector may elect to provide screening services should they
5 be available. The Administration shall seek compensation
6 from a commercial air carrier requesting the use of screen-
7 ing services for all reasonable costs in addition to overtime
8 costs that are incurred in the provision of screening serv-
9 ices under this section.

10 **SEC. 211. AUTOMATED TARGETING RECOGNITION SOFT-**
11 **WARE.**

12 Not later than 90 days after the date of the enact-
13 ment of this Act, the Assistant Secretary shall certify to
14 Congress that automated targeting recognition software is
15 installed on all advanced imaging technology machines
16 that are currently deployed in commercial airports for pas-
17 senger screening and for any and all subsequent deploy-
18 ments of advanced imaging technology machines.

19 **SEC. 212. DISABLING IMAGE RETENTION.**

20 Not later than 30 days after the date of the enact-
21 ment of this Act, the Assistant Secretary shall certify to
22 the Committee on Homeland Security of the House of
23 Representatives and the Commiittee on Commerce,
24 Science, and Transportation of the Senate that, in order
25 to improve airport security screening processes while en-

1 suring passenger privacy protection, the image retention
2 capabilities of all advanced imaging technology utilized by
3 the Administration to screen passengers at checkpoints in
4 the Nation’s airports have been disabled.

5 **SEC. 213. SCREENING STRATEGY.**

6 Not later than 90 days after the date of the enact-
7 ment of this Act, the Assistant Secretary shall submit to
8 appropriate congressional committees, including the Com-
9 mittee on Homeland Security of the House of Representa-
10 tives, a risk-based strategy with benchmarks for modifying
11 standard operating procedures at the checkpoint for trust-
12 ed passengers to enter the secure area without removing
13 their shoes.

14 **PART 2—TRANSPORTATION SECURITY OFFICER**
15 **TRAINING AND ACCOUNTABILITY**

16 **SEC. 221. PROHIBITION OF ADVANCE NOTICE OF COVERT**
17 **TESTING TO SECURITY SCREENERS.**

18 Section 44935 of title 49, United States Code, is
19 amended—

20 (1) by redesignating the second subsection (i)
21 (as redesignated by section 111(a)(1) of the Aviation
22 and Transportation Security Act (Public Law 107–
23 71; 115 Stat. 616), relating to accessibility of com-
24 puter-based training facilities) as subsection (k); and

1 (2) by adding at the end the following new sub-
2 section:

3 “(1) PROHIBITION OF ADVANCE NOTICE TO SECU-
4 RITY SCREENERS OF COVERT TESTING AND EVALUA-
5 TION.—

6 “(1) IN GENERAL.—The Assistant Secretary
7 shall ensure that information concerning a covert
8 test of a transportation security system to be con-
9 ducted by a covert testing office, the Inspector Gen-
10 eral of the Department of Homeland Security, or the
11 Government Accountability Office is not provided to
12 any individual prior to the completion of the test.

13 “(2) EXCEPTIONS.—Notwithstanding para-
14 graph (1)—

15 “(A) an authorized individual involved in a
16 covert test of a transportation security system
17 may provide information concerning the covert
18 test to—

19 “(i) employees, officers, and contrac-
20 tors of the Federal Government (including
21 military personnel);

22 “(ii) employees and officers of State
23 and local governments; and

24 “(iii) law enforcement officials who
25 are authorized to receive or directed to be

1 provided such information by the Assistant
2 Secretary, the Inspector General of the De-
3 partment of Homeland Security, or the
4 Comptroller General of the United States,
5 as the case may be; and

6 “(B) for the purpose of ensuring the secu-
7 rity of any individual in the vicinity of a site
8 where a covert test of a transportation security
9 system is being conducted, an individual con-
10 ducting the test may disclose his or her status
11 as an individual conducting the test to any ap-
12 propriate individual if a security screener or
13 other individual who is not a covered employee
14 identifies the individual conducting the test as
15 a potential threat.

16 “(3) SPECIAL RULES FOR TSA.—

17 “(A) MONITORING AND SECURITY OF
18 TESTING PERSONNEL.—The head of each covert
19 testing office shall ensure that a person or
20 group of persons conducting a covert test of a
21 transportation security system for the covert
22 testing office is accompanied at the site of the
23 test by a cover team composed of one or more
24 employees of the covert testing office for the
25 purpose of monitoring the test and confirming

1 the identity of personnel involved in the test
2 under subparagraph (B).

3 “(B) RESPONSIBILITY OF COVER TEAM.—
4 Under this paragraph, a cover team for a covert
5 test of a transportation security system shall—

6 “(i) monitor the test; and

7 “(ii) for the purpose of ensuring the
8 security of any individual in the vicinity of
9 a site where the test is being conducted,
10 confirm, notwithstanding paragraph (1),
11 the identity of any individual conducting
12 the test to any appropriate individual if a
13 security screener or other individual who is
14 not a covered employee identifies the indi-
15 vidual conducting the test as a potential
16 threat.

17 “(C) AVIATION SCREENING.—Notwith-
18 standing subparagraph (A), the Transportation
19 Security Administration is not required to have
20 a cover team present during a test of the
21 screening of persons, carry-on items, or checked
22 baggage at an aviation security checkpoint at or
23 serving an airport if the test—

24 “(i) is approved, in coordination with
25 the designated security official for the air-

1 port operator by the Federal Security Di-
2 rector for such airport; and

3 “(ii) is carried out under an aviation
4 screening assessment program of the De-
5 partment of Homeland Security.

6 “(D) USE OF OTHER PERSONNEL.—The
7 Transportation Security Administration may
8 use employees, officers, and contractors of the
9 Federal Government (including military per-
10 sonnel) and employees and officers of State and
11 local governments to conduct covert tests.

12 “(4) DEFINITIONS.—In this subsection, the fol-
13 lowing definitions apply:

14 “(A) APPROPRIATE INDIVIDUAL.—The
15 term ‘appropriate individual’, as used with re-
16 spect to a covert test of a transportation secu-
17 rity system, means any individual that—

18 “(i) the individual conducting the test
19 determines needs to know his or her status
20 as an individual conducting a test under
21 paragraph (2)(B); or

22 “(ii) the cover team monitoring the
23 test under paragraph (3)(B)(i) determines
24 needs to know the identity of an individual
25 conducting the test.

1 “(B) COVERED EMPLOYEE.—The term
2 ‘covered employee’ means any individual who
3 receives notice of a covert test before the com-
4 pletion of a test under paragraph (2)(A).

5 “(C) COVERT TEST.—

6 “(i) IN GENERAL.—The term ‘covert
7 test’ means an exercise or activity con-
8 ducted by a covert testing office, the In-
9 spector General of the Department of
10 Homeland Security, or the Government Ac-
11 countability Office to intentionally test,
12 compromise, or circumvent transportation
13 security systems to identify vulnerabilities
14 in such systems.

15 “(ii) LIMITATION.—Notwithstanding
16 clause (i), the term ‘covert test’ does not
17 mean an exercise or activity by an em-
18 ployee or contractor of the Transportation
19 Security Administration to test or assess
20 compliance with relevant regulations.

21 “(D) COVERT TESTING OFFICE.—The term
22 ‘covert testing office’ means any office of the
23 Transportation Security Administration des-
24 ignated by the Assistant Secretary to conduct
25 covert tests of transportation security systems.

1 “(E) EMPLOYEE OF A COVERT TESTING
2 OFFICE.—The term ‘employee of a covert test-
3 ing office’ means an individual who is an em-
4 ployee of a covert testing office or a contractor
5 or an employee of a contractor of a covert test-
6 ing office.”.

7 **SEC. 222. TRANSPORTATION SECURITY TRAINING PRO-**
8 **GRAMS.**

9 Not later than one year after the date of the enact-
10 ment of this Act, the Assistant Secretary shall establish
11 recurring training of transportation security officers re-
12 garding updates to screening procedures and technologies,
13 including methods to identify the verification of false or
14 fraudulent travel documents, in response to weaknesses
15 identified in covert tests at airports. The training shall
16 include—

17 (1) internal controls for monitoring and docu-
18 menting compliance of transportation security offi-
19 cers with training requirements; and

20 (2) such other matters as identified by the As-
21 sistant Secretary with regard to training.

22 **SEC. 223. HIRING PREFERENCE FOR PART-TIME EMPLOY-**
23 **EES.**

24 The Assistant Secretary shall provide a preference for
25 the hiring of an individual as a full-time transportation

1 security officer if the individual is already employed as a
2 part-time transportation security officer, as long as the
3 individual meets the performance standards of such em-
4 ployment.

5 **SEC. 224. REMOVAL OF ADMINISTRATION OFFICERS DUE**
6 **TO PERFORMANCE.**

7 Section 44935(f) of title 49, United States Code, is
8 amended—

9 (1) by redesignating paragraphs (5) and (6) as
10 paragraphs (6) and (7), respectively; and

11 (2) by inserting after paragraph (4) the fol-
12 lowing new paragraph (5):

13 “(5) **REMOVAL FOR PERFORMANCE.**—

14 “(A) **IN GENERAL.**—If an individual em-
15 ployed as a transportation security officer fails
16 any scheduled or covert operational test, includ-
17 ing an annual proficiency review, more than
18 three times during a testing period and if such
19 results are documented, the individual shall be
20 removed from screening operations within 24
21 hours.

22 “(B) **IMMEDIATE REMOVAL FOR NEG-**
23 **LIGENCE.**—The following individuals shall be
24 immediately removed from screening operations:

1 “(i) An individual employed as a
2 transportation security officer who neg-
3 ligently fails to detect a live explosive with
4 the potential to do serious harm to human
5 life or property.

6 “(ii) An individual employed as a
7 transportation security officer responsible
8 for the verification of travel documents
9 who negligently fails to verify such travel
10 documents.

11 “(C) REMOVAL AND REVIEW.—Any trans-
12 portation security officer removed pursuant to
13 subparagraph (A) or (B) shall suspended with
14 pay pending an immediate investigation and re-
15 view by the Assistant Secretary of Homeland
16 Security (Transportation Security Administra-
17 tion), who shall have the discretion to reinstate
18 or terminate any individual removed under this
19 paragraph.”.

20 **SEC. 225. ADMINISTRATION OMBUDSMAN OFFICE.**

21 (a) IN GENERAL.—Subchapter II of chapter 449 of
22 title 49, United States Code is amended by adding at the
23 end the following new section:

24 **“§ 44946. Ombudsman**

25 “(a) IN GENERAL.—

1 “(1) ESTABLISHMENT.—There is established an
2 Office of the Ombudsman in the Transportation Se-
3 curity Administration.

4 “(2) OMBUDSMAN.—

5 “(A) IN GENERAL.—The Office shall be
6 under the direction of the Ombudsman of the
7 Transportation Security Administration, who
8 shall be appointed by the Chief Human Capital
9 Officer of the Department of Homeland Secu-
10 rity on behalf of the Secretary of Homeland Se-
11 curity.

12 “(B) QUALIFICATIONS.—An individual ap-
13 pointed as the Ombudsman must have expertise
14 in—

15 “(i) labor and employment relations
16 with Federal agencies; and

17 “(ii) dispute resolution.

18 “(C) NOTIFICATION OF APPOINTMENT AND
19 REMOVAL.—The Chief Human Capital Officer
20 of the Department of Homeland Security shall
21 notify the appropriate congressional committees
22 within 30 days after the effective date of any of
23 the following actions:

24 “(i) The appointment of an individual
25 as Ombudsman.

1 “(ii) The reappointment as Ombuds-
2 man of an individual who is serving as
3 Ombudsman.

4 “(iii) The removal of an individual
5 from the position of Ombudsman.

6 “(3) ENSURING INDEPENDENCE OF OMBUDS-
7 MAN.—

8 “(A) IN GENERAL.—The Ombudsman shall
9 report—

10 “(i) to the Administrator of the
11 Transportation Security Administration;
12 and

13 “(ii) to the Chief Human Capital Offi-
14 cer of the Department of Homeland Secu-
15 rity with respect to any dispute between
16 the Ombudsman and the Administrator of
17 Transportation Security Administration
18 over matters involving the execution of the
19 Ombudsman’s duties as set forth in sub-
20 section (b).

21 “(B) INSPECTOR GENERAL’S AUTHORITY
22 TO CONDUCT INVESTIGATIONS NOT AF-
23 FECTED.—Nothing in this section shall prohibit
24 the Inspector General of the Department of

1 Homeland Security from initiating, carrying
2 out, or completing any investigation.

3 “(b) DUTIES.—The Ombudsman shall—

4 “(1) conduct outreach to Transportation Secu-
5 rity Administration employees, including publicizing
6 a toll-free telephone number to report complaints;

7 “(2) evaluate each complainant’s claim objec-
8 tively;

9 “(3) provide information, advice, and assistance
10 to complainants and, as appropriate, initiate infor-
11 mal, impartial fact-finding and inquiries, on com-
12 plaints or on the Ombudsman’s own initiative;

13 “(4) inform each complainant—

14 “(A) when the Ombudsman decides against
15 conducting a fact-finding inquiry into the com-
16 plaint;

17 “(B) on the status of the Ombudsman’s
18 fact-finding inquiry to the complainant, on a
19 regular basis if requested by the complainant;
20 and

21 “(C) of the Ombudsman’s recommenda-
22 tions and information, as appropriate, for the
23 complainant to formally complain to the appro-
24 priate authority;

1 “(5) work with the Administrator of the Trans-
2 portation Security Administration to address issues
3 identified through fact-finding and inquiries;

4 “(6) maintain confidential any matter related to
5 complaints and inquiries, including the identities of
6 the complainants and witnesses; and

7 “(7) submit an annual report to the appropriate
8 congressional committees in accordance with sub-
9 section (c).

10 “(c) ANNUAL REPORT.—

11 “(1) IN GENERAL.—The Ombudsman shall re-
12 port no later than September 30 each year to the
13 appropriate congressional committees on the actions
14 taken by the Office of the Ombudsman over the pre-
15 ceding year and the objectives of those actions.

16 “(2) CONTENTS.—Each such report shall, for
17 the period covered by the report, include—

18 “(A) statistical information, by region, on
19 the volume of complaints received, general na-
20 ture of complaints, general information on com-
21 plainants, and the percentage of complaints
22 that resulted in a fact-finding inquiry;

23 “(B) a summary of problems encountered
24 by complainants, including information on the

1 most pervasive or serious types of problems en-
2 countered by complainants;

3 “(C) policy recommendations that the Of-
4 fice of the Ombudsman made to the Adminis-
5 trator of the Transportation Security Adminis-
6 tration;

7 “(D) an inventory of the items described in
8 subparagraphs (B) and (C) for which action
9 has been taken, and the result of such action;

10 “(E) an inventory of the items described in
11 subparagraphs (B) and (C) for which action re-
12 mains to be completed; and

13 “(F) such other information as the Om-
14 budsman considers relevant.

15 “(3) REPORT TO BE SUBMITTED DIRECTLY.—

16 Each report under this subsection shall be provided
17 directly to the committees described in paragraph
18 (1) without any prior comment or amendment by the
19 Administrator of the Transportation Security Ad-
20 ministration. However, the Ombudsman shall seek
21 comment from the Administrator to be submitted by
22 the Ombudsman together with the annual report.

23 “(4) OTHER REPORTS.—Nothing in this sub-
24 section shall be construed to preclude the Ombuds-

1 man from issuing other reports on the activities of
2 the Office of the Ombudsman.

3 “(d) APPROPRIATE CONGRESSIONAL COMMITTEE
4 DEFINED.—In this section the term ‘appropriate congress-
5 sional committee’ means the Committee on Homeland Se-
6 curity of the House of Representatives and any committee
7 of the House of Representatives or the Senate having leg-
8 islative jurisdiction under the rules of the House of Rep-
9 resentatives or Senate, respectively, over the matter con-
10 cerned.”.

11 (b) CLERICAL AMENDMENT.—The analysis at the be-
12 ginning of such chapter is amended by adding at the end
13 the items relating to subchapter II the following new item:
“44946. Ombudsman.”.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated for each of fiscal years
16 2012, 2013, and 2014 \$575,000 for implementing section
17 44946 of title 49, United States Code, as amended by this
18 section.

19 **PART 3—AIR CARGO SECURITY**

20 **SEC. 241. AIR CARGO ADVANCED SCREENING PILOT PRO-** 21 **GRAM.**

22 (a) PROGRAM AUTHORIZED.—The Secretary is au-
23 thorized to establish and implement a voluntary air cargo
24 advanced screening pilot program (hereinafter in this sec-
25 tion referred to as the “ACAS Program”) to include the

1 electronic transmission to the Department of data ele-
2 ments for targeting high-risk cargo, including appropriate
3 security elements of shipment level data, as determined
4 by the Secretary, to be provided as advanced information
5 with respect to cargo on aircraft inbound to the United
6 States no later than loading of such cargo onto aircraft
7 at the last point of departure before entering the United
8 States. Advance information shall be provided on a best
9 available basis and shall not be subject to penalties related
10 to data timeliness or accuracy. The goals of the pilot in-
11 clude—

12 (1) establishing appropriate communications
13 systems with freight forwarders and air carriers; and

14 (2) encouraging freight forwarders and air car-
15 riers to provide shipment level data for air cargo, de-
16 parting from any location that is inbound to the
17 United States.

18 (b) INSPECTION OF HIGH-RISK CARGO.—Under the
19 ACAS Program, the Secretary shall ensure that all cargo
20 that has been identified as high-risk under paragraph (1),
21 or through other means, is inspected prior to loading of
22 such cargo onto aircraft at the last point of departure be-
23 fore entering the United States.

24 (c) CONSULTATIONS.—In carrying out the ACAS
25 Program, the Secretary shall consult with the trade com-

1 munity to ensure that an operationally feasible and prac-
2 tical approach to the collection of advanced air cargo infor-
3 mation and inspection of high-risk cargo is adopted that
4 recognizes the significant differences among air cargo
5 business models and modes of transportation.

6 (d) ANALYSIS.—The Secretary may analyze the infor-
7 mation referred to in paragraph (1) in the Department’s
8 automated targeting system and integrate the information
9 with other intelligence to enhance the accuracy of the risk
10 assessment process for each shipment.

11 (e) NO DUPLICATION.—This section shall be carried
12 out in a manner that does not duplicate other programs
13 or requirements relating to the submission of air cargo
14 data.

15 (f) CONSIDERATION OF INDUSTRY.—In carrying out
16 the ACAS Program, the Secretary shall—

17 (1) take into consideration that the content and
18 timeliness of the available data may vary among en-
19 tities in the air cargo industry and among countries
20 and shall explore procedures to accommodate the
21 variations while maximizing the contribution of the
22 data to the risk targeting process;

23 (2) test the business processes, technology, and
24 operational procedures required to provide advance
25 air cargo data, while ensuring delays and other neg-

1 ative impacts on vital supply chains are minimized;
2 and

3 (3) consider the cost, benefit, and feasibility be-
4 fore establishing any set time period for submission
5 of certain elements of the shipment data for aircraft
6 and air cargo in line with the regulatory guidelines
7 set forth in Executive Order 13563, and any suc-
8 cessor Executive Order or regulation.

9 (g) GUIDANCE.—The Secretary shall provide guid-
10 ance for participants in the ACAS Program regarding the
11 requirements for participation, including requirements for
12 transmitting shipment level data.

13 (h) USE OF DATA.—The Secretary shall use the data
14 provided under the ACAS Program for targeting ship-
15 ments for screening and law enforcement purposes only.

16 (i) REPORT.—Not later than 180 days after the date
17 of the commencement of the ACAS Program, the Sec-
18 retary shall submit to Congress a report detailing the les-
19 sons learned regarding the operational feasibility of pro-
20 viding the advance information and the value of that infor-
21 mation in targeting high-risk cargo.

22 **SEC. 242. STATUS OF EFFORTS TO PROMOTE AIR CARGO**
23 **SHIPPER CERTIFICATION.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Assistant Secretary shall submit to

1 the Committee on Homeland Security of the House of
2 Representatives and the Committee on Commerce,
3 Science, and Transportation of the Senate a report on the
4 status of the implementation of the Administration's pro-
5 gram to certify the screening methods used by shippers
6 in a timely manner, in accordance with section 44901(g)
7 of title 49, United States Code, including participation by
8 shippers with robust and mature internal security pro-
9 grams.

10 **SEC. 243. EXPLOSIVE DETECTION CANINE TEAMS FOR AIR**
11 **CARGO SECURITY.**

12 (a) IN GENERAL.—In order to enhance the screening
13 of air cargo and to ensure that third-party explosives de-
14 tection canine assets are leveraged for this purpose, the
15 Assistant Secretary shall, within 180 days of the date of
16 the enactment of this Act, develop a process to certify
17 third-party explosive detection canines for the screening
18 of air cargo that can be used by air carriers, foreign air
19 carriers, freight forwarders, and shippers and that meet
20 the certification standards of the Administration, as deter-
21 mined by the Assistant Secretary.

22 (b) IMPLEMENTATION.—Upon completion of the de-
23 velopment of the process under subsection (a), the Assist-
24 ant Secretary shall begin testing third-party explosives de-
25 tection canine assets and shall facilitate the use of deploy-

1 ment of those teams that meet the certification standards
2 of the Administration, as determined by the Assistant Sec-
3 retary.

4 (c) DEFINITION.—For purposes of this section, the
5 term “third-party explosives detection canine assets”
6 means any explosives detection canine or handler that is
7 not owned or employed by the Administration.

8 **PART 4—INFORMATION SHARING AND SECURITY**
9 **DIRECTIVES**

10 **SEC. 261. TSA AND HOMELAND SECURITY INFORMATION**
11 **SHARING.**

12 (a) FEDERAL SECURITY DIRECTOR.—Section 44933
13 of title 49, United States Code, is amended—

14 (1) in the section heading, by striking “**Man-**
15 **agers**” and inserting “**Directors**”;

16 (2) by striking “Manager” each place it appears
17 and inserting “Director”;

18 (3) by striking “Managers” each place it ap-
19 pears and inserting “Directors”; and

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

21 “(c) INFORMATION SHARING.—Not later than one
22 year after the date of the enactment of the Transportation
23 Security Administration Authorization Act of 2011, the
24 Assistant Secretary shall—

1 “(1) encourage airports to develop clear report-
2 ing procedures to provide that the Federal Security
3 Director of the airport is immediately notified when-
4 ever any Federal, State, or local law enforcement
5 personnel are called to an aircraft at a gate or on
6 an airfield at the airport to respond to any security
7 matter;

8 “(2) require each Federal Security Director of
9 an airport to meet at least quarterly with law en-
10 forcement agencies serving the airport to discuss in-
11 cident management protocols, including the resolu-
12 tion of screening anomalies at passenger screening
13 checkpoints; and

14 “(3) require each Federal Security Director at
15 an airport to inform, consult, and coordinate, as ap-
16 propriate, with the airport operator in a timely man-
17 ner on security matters impacting airport operations
18 and to establish and maintain operational protocols
19 with airport operators to ensure coordinated re-
20 sponses to security matters.”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 114(f)(6) of title 49, United States
23 Code, is amended by striking “Managers” and in-
24 serting “Directors”.

1 (2) Section 44940(a)(1)(F) of title 49, United
2 States Code, is amended by striking “Managers”
3 and inserting “Directors”.

4 (c) TECHNICAL AMENDMENT.—The chapter analysis
5 for chapter 449 is amended by striking the item relating
6 to section 44933 and inserting the following:

“44933. Federal Security Directors.”.

7 **SEC. 262. ISSUANCE OF REGULATIONS AND SECURITY DI-**
8 **RECTIVES USING EMERGENCY PROCEDURES.**

9 (a) IN GENERAL.—Section 114(l) of title 49, United
10 States Code, is amended—

11 (1) in paragraph (2)—

12 (A) in subparagraph (A) by striking “im-

13 mediately in order to protect transportation se-

14 curity” and inserting “in order to respond to an

15 imminent threat of finite duration”; and

16 (B) in subparagraph (B) by inserting “to

17 determine if the regulation or security directive

18 is needed to respond to an imminent threat of

19 finite duration” before the period at the end of

20 the first sentence;

21 (2) by striking paragraph (3) and inserting the
22 following:

23 “(3) FACTORS TO CONSIDER.—

24 “(A) IN GENERAL.—In determining wheth-

25 er to issue, rescind, or revise a regulation or se-

1 curity directive under this subsection, the As-
2 sistant Secretary shall consider, as factors in
3 the final determination—

4 “(i) whether the costs of the regula-
5 tion or security directive are excessive in
6 relation to the enhancement of security the
7 regulation or security directive will provide;

8 “(ii) whether the regulation or secu-
9 rity directive will remain effective for
10 longer than a 90-day period; and

11 “(iii) whether the regulation or secu-
12 rity directive will require revision if in ef-
13 fect for a subsequent 90-day period.

14 “(B) AUTHORITY TO WAIVE CERTAIN RE-
15 QUIREMENTS.—For purposes of subparagraph
16 (A)(i), the Assistant Secretary may waive any
17 requirement for an analysis that estimates the
18 number of lives that will be saved by the regula-
19 tion or security directive or the cost basis for
20 carrying out the regulation or security directive
21 if the Assistant Secretary determines that it is
22 not feasible to make such an estimate.”; and
23 (3) by adding at the end the following:

24 “(5) RULEMAKING REQUIRED.—Any regulation
25 or security directive issued under paragraph (2) that

1 remains effective, with or without revision, for a pe-
2 riod of more than 180 days shall be subject to a
3 rulemaking pursuant to subchapter II of chapter 5
4 of title 5.”.

5 (b) APPLICABILITY.—The amendment made by sub-
6 section (a)(3) shall apply to a regulation issued under sec-
7 tion 114(l)(2) of title 49, United States Code, before, on,
8 or after the date of the enactment of this Act.

9 **Subtitle B—Other Matters**

10 **SEC. 281. EFFICIENCY REVIEW BY ASSISTANT SECRETARY.**

11 (a) REVIEW REQUIRED.—Not later than 270 days
12 after the enactment of this Act, the Assistant Secretary
13 shall conduct and complete a comprehensive, agency-wide
14 efficiency review of the Administration to identify and ef-
15 fectuate spending reductions and administrative savings
16 through the streamlining and any necessary restructuring
17 of agency divisions to make the agency more efficient. In
18 carrying out the review under this section, the Assistant
19 Secretary shall consider each of the following:

20 (1) The elimination of any duplicative or over-
21 lapping programs and initiatives that can be stream-
22 lined.

23 (2) The elimination of any unnecessary or obso-
24 lete rules, regulations, directives, or procedures.

1 (3) The reduction of the workforce over a set
2 period of time through natural attrition, as a direct
3 result of efficiencies gained through the implementa-
4 tion of risk-based screening or through any other
5 means as determined by the Assistant Secretary.

6 (4) Any other matters the Assistant Secretary
7 determines are appropriate.

8 (b) WORKFORCE REDUCTION PLAN.—Not later than
9 270 days after the date of the enactment of this Act, the
10 Secretary, acting through the Assistant Secretary, shall
11 develop a strategic plan, including a timeline, to reduce
12 the workforce of the Administration by 5 percent by the
13 end of fiscal year 2013, to the extent that such a reduction
14 does not impact security operations.

15 (c) REPORT TO CONGRESS.—Not later than 30 days
16 after the completion of the efficiency review required
17 under subsection (a) and the strategic plan required under
18 subsection (b), the Assistant Secretary shall submit to the
19 Committee on Homeland Security of the House of Rep-
20 resentatives and the Committee on Commerce, Science,
21 and Transportation of the Senate a report setting forth—

22 (1) the results and cost savings expected to be
23 achieved through the efficiency review; and

24 (2) a copy of the strategic plan.

1 **SEC. 282. AVIATION SECURITY STAKEHOLDER PARTICIPA-**
2 **TION.**

3 (a) IN GENERAL.—Subchapter II of chapter 449 of
4 title 49, United States Code, is amended by adding at the
5 end the following:

6 **“§ 44946. Aviation Security Advisory Committee**

7 “(a) ESTABLISHMENT OF AVIATION SECURITY ADVI-
8 SORY COMMITTEE.—

9 “(1) IN GENERAL.—The Assistant Secretary
10 shall establish in the Transportation Security Ad-
11 ministration an advisory committee, to be known as
12 the Aviation Security Advisory Committee (in this
13 chapter referred to as the ‘Advisory Committee’), to
14 assist the Assistant Secretary with issues pertaining
15 to aviation security, including credentialing.

16 “(2) RECOMMENDATIONS.—The Assistant Sec-
17 retary shall require the Advisory Committee to de-
18 velop recommendations for improvements to civil
19 aviation security methods, equipment, and processes.

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

24 “(4) UNPAID POSITION.—Advisory Committee
25 members shall serve at their own expense and re-

1 ceive no salary, reimbursement of travel expenses, or
2 other compensation from the Federal Government.

3 “(b) MEMBERSHIP.—

4 “(1) MEMBER ORGANIZATIONS.—The Assistant
5 Secretary shall ensure that the Advisory Committee
6 is composed of not more than one individual rep-
7 resenting not more than 27 member organizations,
8 including representation of air carriers, all cargo air
9 transportation, indirect air carriers, labor organiza-
10 tions representing air carrier employees, aircraft
11 manufacturers, airport operators, general aviation,
12 and the aviation technology security industry, in-
13 cluding biometrics.

14 “(2) APPOINTMENTS.—Members shall be ap-
15 pointed by the Assistant Secretary, and the Assist-
16 ant Secretary shall have the discretion to review the
17 participation of any Advisory Committee member
18 and remove for cause at any time.

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

22 “(d) AIR CARGO SECURITY WORKING GROUP.—

23 “(1) IN GENERAL.—The Assistant Secretary
24 shall establish within the Advisory Committee an air
25 cargo security working group to provide rec-

1 ommendations for air cargo security issues, includ-
2 ing the implementation of the air cargo screening
3 initiatives proposed by the Transportation Security
4 Administration to screen air cargo on passenger air-
5 craft in accordance with established cargo screening
6 mandates.

7 “(2) MEETINGS.—The working group shall
8 meet at least semiannually and provide annual re-
9 ports to the Assistant Secretary with recommenda-
10 tions to improve the Administration’s cargo screen-
11 ing initiatives established to meet all cargo screening
12 mandates set forth in section 44901(g) of title 49,
13 United States Code.

14 “(3) MEMBERSHIP.—The working group shall
15 include members from the Advisory Committee with
16 expertise in air cargo operations and representatives
17 from other stakeholders as determined by the Assist-
18 ant Secretary.

19 “(4) REPORTS.—

20 “(A) IN GENERAL.—The working group
21 shall prepare and submit reports to the Assist-
22 ant Secretary in accordance with this para-
23 graph that provide cargo screening mandate im-
24 plementation recommendations.

1 “(B) SUBMISSION.—Not later than one
2 year after the date of the enactment of this sec-
3 tion and on an annual basis thereafter, the
4 working group shall submit its first report to
5 the Assistant Secretary, including any rec-
6 ommendations of the group—

7 “(i) to reduce redundancies and in-
8 crease efficiencies with the screening and
9 inspection of inbound cargo; and

10 “(ii) on the potential development of a
11 fee structure to help sustain cargo screen-
12 ing efforts.

13 “(e) GENERAL AVIATION WORKING GROUP.—

14 “(1) IN GENERAL.—The Assistant Secretary
15 shall establish within the Advisory Committee a gen-
16 eral aviation working group to provide recommenda-
17 tions for general aviation issues, including the imple-
18 mentation of the general aviation initiatives pro-
19 posed by the Transportation Security Administra-
20 tion.

21 “(2) MEETINGS.—The working group shall
22 meet at least semiannually and provide annual re-
23 ports to the Assistant Secretary with recommenda-
24 tions to improve the Administration’s general avia-
25 tion initiatives.

1 “(3) MEMBERSHIP.—The working group shall
2 include members from the Advisory Committee with
3 expertise in general aviation operations and rep-
4 resentatives from other stakeholders as determined
5 by the Assistant Secretary.

6 “(4) REPORTS.—

7 “(A) IN GENERAL.—The working group
8 shall prepare and submit reports to the Assist-
9 ant Secretary in accordance with this para-
10 graph that provide recommendations.

11 “(B) SUBMISSION.—Not later than one
12 year after the date of the enactment of this sec-
13 tion and on an annual basis thereafter, the
14 working group shall submit its first report to
15 the Assistant Secretary, including any rec-
16 ommendations of the group.”.

17 (b) CLERICAL AMENDMENT.—The analysis for such
18 subchapter is amended by adding at the end the following:
“44946. Aviation Security Advisory Committee.”.

19 **SEC. 283. DETAILED AVIATION SECURITY TECHNOLOGY**
20 **PLANS FOR AIRPORTS.**

21 (a) PLANS REQUIRED.—The Assistant Secretary
22 shall submit to the Committee on Homeland Security of
23 the House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate detailed
25 acquisition and deployment plans for checkpoint security

1 technology, explosive detection systems, and air cargo se-
2 curity technology for each large commercial airport for fis-
3 cal years 2012 and 2013.

4 (b) TEN-YEAR STRATEGIC PLAN.—Not later than
5 one year after the date of the enactment of this Act, the
6 Assistant Secretary shall submit to the Committee on
7 Homeland Security of the House of Representatives and
8 the Committee on Commerce, Science, and Transportation
9 of the Senate a ten-year strategic plan for the refurbish-
10 ment, replacement, and installation costs associated with
11 explosives detection technology for checked baggage.

12 **SEC. 284. FEDERAL AIR MARSHALS.**

13 Section 44917 of title 49, United States Code, as
14 amended by sections 201 and 283 of this Act, is further
15 amended by adding at the end the following:

16 “(g) CRIMINAL INVESTIGATIVE TRAINING PRO-
17 GRAM.—

18 “(1) NEW EMPLOYEE TRAINING.—Not later
19 than 30 days after the date of the enactment of this
20 subsection, the Federal Air Marshal Service shall es-
21 tablish a policy requiring Federal air marshals hired
22 after such date to complete the criminal investigative
23 training program at the Federal Law Enforcement
24 Training Center as part of basic training for Federal
25 air marshals.

1 “(2) EXISTING EMPLOYEES.—A Federal air
2 marshal who has previously completed the criminal
3 investigative training program may not be required
4 to repeat such program.

5 “(3) ALTERNATIVE TRAINING.—Not later than
6 3 years after the date of the enactment of this sub-
7 section, an air marshal hired before such date who
8 has not completed the criminal investigative training
9 program shall be required to attend an alternative
10 training program, as determined by the Director of
11 the Federal Law Enforcement Training Center, that
12 provides the training necessary to bridge the gap be-
13 tween the mixed basic police training, the Federal
14 air marshal programs already completed by the Fed-
15 eral air marshal, and the criminal investigative
16 training provided through the criminal investigative
17 training program. Any such alternative program
18 shall be considered to have met the standards of the
19 criminal investigative training program.

20 “(4) AUTHORIZATION OF APPROPRIATIONS.—Of
21 the amount authorized to be appropriated for the
22 Transportation Security Administration, \$3,000,000
23 may be used to carry out this subsection for each of
24 fiscal years 2012 and 2013.

1 “(5) SAVINGS CLAUSE.—Nothing in this sub-
2 section shall be construed to reclassify Federal air
3 marshals as criminal investigators.”.

4 **SEC. 285. CANINE DETECTION RESEARCH AND DEVELOP-**
5 **MENT.**

6 (a) IN GENERAL.—Consistent with the mission of the
7 Under Secretary of Homeland Security for Science and
8 Technology to conduct basic and applied research in sup-
9 port of activities relevant to any elements of the Depart-
10 ment under section 302 of the Homeland Security Act of
11 2002 (6 U.S.C. 182), the Assistant Secretary, in coordina-
12 tion with the Under Secretary of Homeland Security for
13 Science and Technology, shall develop and implement a
14 basic research and applied research and development pro-
15 gram for the purpose of advancing the scientific under-
16 standing and applicability of canine explosives detection
17 assets in the transportation environment.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the
19 amounts authorized to be appropriated under section 101,
20 there is authorized to be appropriated for each of fiscal
21 years 2012 and 2013 \$1,000,000 to carry out this section.

22 **SEC. 286. VENDOR ENHANCEMENTS.**

23 The Assistant Secretary shall permit airport opera-
24 tors to use vendor services that provide security enhance-
25 ments in the sterile side of an airport as long as the pro-

1 vider of such a service does not impede the screening oper-
2 ations of the Administration and all personnel are properly
3 vetted and credentialed, as may be required.

4 **SEC. 287. SECURITY RISK ASSESSMENT OF AIRPORT PERIM-**
5 **ETER ACCESS CONTROLS.**

6 (a) IN GENERAL.—The Assistant Secretary shall de-
7 velop a strategic risk-based plan to improve transportation
8 security at airports that includes best practices to make
9 airport perimeter access controls more secure at all com-
10 mercial service and general aviation airports.

11 (b) CONTENTS.—The plan shall—

12 (1) incorporate best practices for enhanced pe-
13 rimeter access controls;

14 (2) evaluate and incorporate major findings of
15 all relevant pilot programs of the Administration;

16 (3) address recommendations of the Comp-
17 troller General on perimeter access controls;

18 (4) include a requirement that airports update
19 their security plans to incorporate the best practices,
20 as appropriate and to the extent feasible, based on
21 risk and adapt the best practices to meet the needs
22 specific to their facilities; and

23 (5) include an assessment of the role of new
24 and emerging technologies, including unmanned and
25 autonomous perimeter security technologies, that

1 could be utilized at both commercial and general
2 aviation facilities.

3 **SEC. 288. ELECTROMAGNETIC EMISSIONS FROM PAS-**
4 **SENGER SCREENING EQUIPMENT DEPLOYED**
5 **IN AIRPORTS.**

6 The Assistant Secretary shall—

7 (1) collect information regarding the electro-
8 magnetic emission output of passenger screening
9 equipment deployed by the Administration at airport
10 checkpoints and, within 30 days of receipt, verify the
11 accuracy of any evaluations or reports provided to
12 the Administration relating to such output;

13 (2) not later than 90 days after the date of the
14 enactment of this Act, submit to the Committee on
15 Homeland Security of the House of Representatives
16 and the Committee on Commerce, Science, and
17 Transportation of the Senate a summary of the in-
18 formation collected under paragraph (1) and the re-
19 sults of any verification conducted under that para-
20 graph.

21 **SEC. 289. ELECTROMAGNETIC EMISSIONS EXPOSURE AS-**
22 **SESSMENT.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of the enactment of this Act, the Assistant Secretary
25 shall execute an agreement with an independent third

1 party under which the independent third party shall carry
2 out a study of radiation exposure resulting from screening
3 equipment used by the Administration to screen pas-
4 sengers and baggage at commercial service airports.

5 (b) STUDY.—The study shall be conducted for not
6 less than 90 consecutive days during periods of operation
7 in the operating environments of multiple commercial
8 service airports and include consideration of—

9 (1) whether passenger and baggage screening
10 equipment results in screened passengers being ex-
11 posed to radiation above acceptable levels;

12 (2) whether passenger and baggage screening
13 equipment results in bystanders being exposed to ra-
14 diation above acceptable levels; and

15 (3) any other factors relating to radiation expo-
16 sure identified by the independent third party.

17 (c) REPORT.—Not later than 180 days after the con-
18 clusion of the study, the independent third party shall sub-
19 mit to the Assistant Secretary and the appropriate con-
20 gressional committees a report containing its findings and
21 recommendations regarding the study under subsection
22 (b), including recommendations with respect to whether
23 transportation security officers should wear a dosimeter
24 for the purpose of continuous monitoring of radiation ex-
25 posure resulting from passenger screening equipment.

1 **SEC. 290. REIMBURSEMENT FOR AIRPORTS THAT HAVE IN-**
2 **CURRED ELIGIBLE COSTS.**

3 (a) PROCESS.—Section 1604(b)(2) of the Imple-
4 menting Recommendations of the 9/11 Commission Act of
5 2007 (49 U.S.C. 44923) is amended to read as follows:

6 “(2) AIRPORTS THAT HAVE INCURRED ELIGI-
7 BLE COSTS.—

8 “(A) IN GENERAL.—Not later than 60
9 days after the date of the enactment of the
10 Transportation Security Administration Author-
11 ization Act of 2011, the Assistant Secretary of
12 Homeland Security (Transportation Security
13 Administration) shall establish a process for re-
14 solving reimbursement claims for airports that
15 have incurred, before the date of the enactment
16 of this Act, eligible costs associated with devel-
17 opment of partial or completed in-line baggage
18 systems.

19 “(B) PROCESS FOR RECEIVING REIM-
20 BURSEMENT.—The process required by this
21 paragraph shall allow an airport—

22 “(i) to submit a claim to the Assistant
23 Secretary for reimbursement for eligible
24 costs described in subparagraph (A); and

25 “(ii) not later than 180 days after
26 date on which the airport submits the

1 claim, to receive a determination on the
2 claim and, if the determination is positive,
3 to be reimbursed.

4 “(C) REPORT.—Not later than 60 days
5 after the date on which the Assistant Secretary
6 establishes the process required by this para-
7 graph, the Assistant Secretary shall submit to
8 the Committee on Homeland Security of the
9 House of Representatives a report containing a
10 description of the process, including a schedule
11 for the timely reimbursement of airports for
12 which a positive determination has been
13 made.”.

14 (b) REIMBURSEMENT.—No less than 10 percent of
15 the appropriations made available for grants under section
16 44923 of title 49, United States Code, for each of fiscal
17 years 2012 and 2013 shall be for reimbursements under
18 section 1604(b)(2) of the Implementing Recommendations
19 of the 9/11 Commission Act of 2007 (49 U.S.C. 44923),
20 as amended by subsection (a).

21 (c) REIMBURSEMENTS OF AIRPORTS FOR ELIGIBLE
22 COSTS REIMBURSED AT LESS THAN 90 PERCENT.—If the
23 Secretary or Assistant Secretary reimbursed, after August
24 3, 2007, an airport that incurred an amount for eligible
25 costs under section 44923 of title 49, United States Code,

1 that was less than 90 percent of such costs, the Secretary
2 or Assistant Secretary shall reimburse such airport under
3 such section an amount equal to the difference for such
4 eligible costs.

5 **SEC. 291. REVIEW OF AIRPORT SECURITY PLANS.**

6 (a) REVIEW.—The Assistant Secretary, in consulta-
7 tion with airport operators shall review the process for
8 amending airport security plans to determine if such plans
9 should be more easily amended to accurately reflect all se-
10 curity procedures and protocols carried out by airport op-
11 erators that may exceed Administration standards.

12 (b) REPORT.—Not later than 270 days after the date
13 of the enactment of this Act, the Assistant Secretary shall
14 submit to the Committee on Homeland Security of the
15 House of Representatives and the Committee on Com-
16 merce, Science, and Transportation of the Senate a report
17 on the findings of the review carried out under subsection
18 (a).

19 **SEC. 292. SECURITY PROCEDURES DURING TEMPORARY**
20 **FLIGHT RESTRICTIONS.**

21 Not later than one year after the date of the enact-
22 ment of this Act, the Assistant Secretary shall develop se-
23 curity procedures and protocols to enable general aviation
24 operators that are subject to security programs adminis-
25 tered by the Administration to obtain access to airspace

1 during temporary flight restrictions, to the extent that
2 such access does not affect security.

3 **SEC. 293. SECURITY TRAINING AND ASSISTANCE TO FOR-**
4 **EIGN AIRPORTS.**

5 The Assistant Secretary is authorized to donate, loan,
6 or lease equipment that no longer meet the needs of any
7 U.S. commercial airport to foreign airports to mitigate
8 any security vulnerabilities determined through foreign
9 airport assessments or based on threat. The Assistant Sec-
10 retary may also offer training and other assistance as may
11 be needed. In the event equipment is leased to a foreign
12 airport, the Assistant Secretary is authorized to collect a
13 reasonable fee for such lease. Any fees collected under this
14 section shall be used for checkpoint screening.

15 **SEC. 294. FEDERAL AIR MARSHAL RISK ASSESSMENTS.**

16 Section 44917 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(e) RISK ASSESSMENT.—The Assistant Secretary
19 shall conduct a periodic risk assessment of domestic and
20 international flights in order to determine the optimal as-
21 signment of air marshals to highest risk flights.

22 “(f) DEPLOYMENT PLAN.—The Assistant Secretary
23 shall ensure that the assignment of air marshals is con-
24 sistent with the most current risk assessment.”.

1 **SEC. 295. PROTECTION OF THE NAMES FEDERAL AIR MAR-**
2 **SHAL AND ADMINISTRATION.**

3 Section 709 of title 18, United States Code, is
4 amended—

5 (1) by inserting “or” after the semicolon at the
6 end of the fourteenth undesignated paragraph; and

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

9 “Whoever, except with the written permission of the
10 Assistant Secretary for Transportation Security (or
11 the Director of the Federal Air Marshal Service for
12 issues involving the Federal Air Marshal Service),
13 knowingly uses the words ‘Transportation Security
14 Administration’, ‘United States Transportation Se-
15 curity Administration’, ‘Federal Air Marshal Serv-
16 ice’, ‘United States Federal Air Marshal Service’,
17 ‘Federal Air Marshals’, the initials ‘T.S.A.’,
18 ‘F.A.M.S.’, ‘F.A.M.’, or any colorable imitation of
19 such words or initials, or the likeness of a Transpor-
20 tation Security Administration or Federal Air Mar-
21 shal Service badge, logo, or insignia on any item of
22 apparel, in connection with any advertisement, cir-
23 cular, book, pamphlet, software, or other publication,
24 or with any play, motion picture, broadcast, telecast,
25 or other production, in a matter that is reasonably
26 calculated to convey the impression that the wearer

1 of the item of apparel is acting pursuant to the legal
2 authority of the Transportation Security Adminis-
3 tration or Federal Air Marshal Service, or to convey
4 the impression that such advertisement, circular,
5 book, pamphlet, software, or other publication, or
6 such play, motion picture, broadcast, telecast, or
7 other production, is approved, endorsed, or author-
8 ized by the Transportation Security Administration
9 or Federal Air Marshal Service;”.

10 **SEC. 296. ALLOWABLE COSTS ON AIRPORT SECURITY IM-**
11 **PROVEMENT PROJECTS.**

12 Paragraph (2) of subsection (a) of section 44923 of
13 title 49, United States Code, is amended to read as fol-
14 lows:

15 “(2) for projects to reconfigure or construct
16 new terminal baggage areas, if new construction is
17 more cost effective and meets pertinent security re-
18 quirements, as determined by the Assistant Sec-
19 retary of Homeland Security (Transportation Secu-
20 rity Administration), as needed to install explosive
21 detection systems;”.

22 **SEC. 297. REPORT ON DIVERSITY EFFORTS.**

23 Not later than 90 days after the date of the enact-
24 ment of this Act, the Assistant Secretary shall provide
25 data to the appropriate congressional committees, includ-

1 ing the Committee on Homeland Security of the House
2 of Representatives, on the diversity of the Administration
3 workforce. Such data shall include data on each of the
4 following:

5 (1) The number of individuals serving at all
6 management levels, including data on representation
7 in each pertinent pay band and the Senior Executive
8 Service within each of the following categories:

9 (A) Veterans.

10 (B) Race.

11 (C) Gender.

12 (D) Ethnicity.

13 (E) Disabled.

14 (2) The retention rate of managers at all levels
15 of the Administration.

16 (3) The number of individuals employed by the
17 Administration who were promoted to managerial
18 positions.

19 **SEC. 298. REPORT TO CONGRESS ON TIME AND ATTEND-**
20 **ANCE PROGRAMS FOR TRANSPORTATION SE-**
21 **CURITY OFFICERS.**

22 Not later than 90 days after the date of the enact-
23 ment of this Act, the Assistant Secretary shall submit to
24 the Committee on Homeland Security of the House of
25 Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate a report on the
2 time and attendance programs in use for transportation
3 security officers, as well as recommendations for achieving
4 cost savings through more efficient management of exist-
5 ing resources and reduction in overtime costs.

6 **TITLE III—SURFACE**
7 **TRANSPORTATION SECURITY**
8 **Subtitle A—Streamlining Threat**
9 **Assessments for Credentials**

10 **SEC. 301. DEFINITIONS.**

11 In this Part, the following definitions apply:

12 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
13 **TEES.**—The term “appropriate congressional com-
14 mittees” means the Committee on Homeland Secu-
15 rity of the House of Representatives and any com-
16 mittee of the House of Representatives or the Senate
17 having legislative jurisdiction under the rules of the
18 House of Representatives or Senate, respectively,
19 over the matter concerned.

20 (2) **SECURITY THREAT ASSESSMENT.**—The
21 term “security threat assessment” means an assess-
22 ment conducted by a government agency that in-
23 cludes a check against a terrorist watch list or ter-
24 rorism database, and may also include a legal pres-
25 ence check and a criminal history records check.

1 **SEC. 302. TASK FORCE.**

2 (a) ESTABLISHMENT OF TASK FORCE.—Not later
3 than 30 days after the date of enactment of this Act, the
4 Secretary of Homeland Security shall establish a task
5 force, with an official designated by the Secretary to be
6 the Chair of the task force.

7 (b) PURPOSE.—The purpose of the task force estab-
8 lished shall be to—

9 (1) review the lists of crimes that disqualify in-
10 dividuals from transportation-related employment
11 under current regulations of the Administration, to
12 include at a minimum crimes listed under section
13 70105 of title 46, United States Code, and section
14 44936 of title 49, United States Code, and the ap-
15 plicable periods of disqualification for such crimes;

16 (2) assess whether such lists of crimes reviewed
17 under paragraph (1) are accurate indicators of a ter-
18 rorism security risk;

19 (3) assess which other transportation security
20 credential programs for transportation-related em-
21 ployment should be modernized to include a waiver
22 process as is available under section 70105 of title
23 46, United States Code;

24 (4) assess if any cost savings, efficiencies, or
25 elimination of redundancies, to be passed on to
26 transportation security credential applicants in the

1 form of lower fees, can be realized through harmoni-
2 zation of the Federal security threat assessment
3 process, creation of a common list of crimes, and in-
4 clusion of a waiver process;

5 (5) assess any benefits to homeland security
6 achieved through harmonization of the Federal secu-
7 rity threat assessment process, creation of a common
8 list of crimes, and inclusion of a waiver process;

9 (6) assess any potential increases in costs or
10 time delays in transportation security credential pro-
11 grams as a result of harmonization of the Federal
12 security threat assessment process, creation of a
13 common list of crimes, and inclusion of a waiver
14 process; and

15 (7) assess other potential effects of creation of
16 a common list of crimes for some or all transpor-
17 tation security credential programs for transpor-
18 tation-related employment, to include the extent to
19 which a common list of disqualifying crimes would
20 result in a greater number of persons being disquali-
21 fied from obtaining a credential required for trans-
22 portation-related employment.

23 (c) MEMBERSHIP.—The task force shall be composed
24 of representatives of appropriate transportation indus-
25 tries, including labor unions representing employees of

1 such industries, Federal agencies, motor vehicle carriers,
2 air carriers, airport operators, port authorities, port oper-
3 ators, vessel operators, railroad operators, and other rel-
4 evant entities, as determined by the Secretary.

5 (d) REPORT.—Not later than 180 days after the date
6 of enactment of this Act, the task force shall submit to
7 the Secretary and the appropriate congressional commit-
8 tees a report containing the results of the review, including
9 recommendations for modernization of the Federal secu-
10 rity threat assessment process for transportation security
11 credential programs, a common list of disqualifying
12 crimes, the rationale for the inclusion of each crime on
13 the list, and which credential programs for transportation-
14 related employment should include a waiver process as is
15 available under section 70105 of title 46, United States
16 Code.

17 **SEC. 303. LIMITATIONS ON RULEMAKING.**

18 (a) LIMITATION ON APPLICATION.—Any rule con-
19 cerning the harmonization of the security threat assess-
20 ment process for transportation workers issued by the Sec-
21 retary of Homeland Security shall not apply to a process
22 or function carried out by an airport operator, including
23 enrollment, credentialing, and access control, as of the
24 date of enactment of this Act, except as provided for in
25 subsection (b).

1 (b) ONGOING EFFORTS NOT AFFECTED.—Nothing
2 in subsection (a) shall affect ongoing efforts by the De-
3 partment to create a competitive environment for aviation
4 channeling services.

5 (c) TRANSMITTAL OF REPORT REQUIRED.—The Sec-
6 retary of Homeland Security shall not issue any rule con-
7 cerning the harmonization of the security threat assess-
8 ment process for transportation workers until the report
9 required under section 3(d) is transmitted to the Secretary
10 and the appropriate congressional committees.

11 **SEC. 304. SURFACE TRANSPORTATION CREDENTIALING.**

12 (a) IN GENERAL.—The Homeland Security Act of
13 2002 (6 U.S.C. 101 et seq.) is amended by adding at the
14 end the following:

15 **“TITLE XXI—SURFACE TRANS-**
16 **PORTATION CREDENTIALING**

17 **“SEC. 2101. TRANSPORTATION OF SECURITY-SENSITIVE MA-**
18 **TERIALS.**

19 “(a) SECURITY-SENSITIVE MATERIALS.—Not later
20 than one year after the date of enactment of this section,
21 the Secretary shall issue final regulations, after notice and
22 comment, to—

23 “(1) identify security-sensitive materials for the
24 purposes of this title;

1 “(2) prohibit an individual from operating a
2 motor vehicle in commerce while transporting a se-
3 curity-sensitive material unless the individual holds a
4 valid transportation security credential issued by the
5 Secretary under section 70105 of title 46, United
6 States Code; and

7 “(3) prohibit a person from—

8 “(A) offering a security-sensitive material
9 for transportation by motor vehicle in com-
10 merce; or

11 “(B) causing a security-sensitive material
12 to be transported by motor vehicle in commerce,
13 unless the motor vehicle operator holds a valid
14 transportation security credential issued by the Sec-
15 retary under 70105 of title 46, United States Code.

16 “(b) MEMORANDUM OF UNDERSTANDING.—The Sec-
17 retary may enter into a memorandum of understanding
18 with the Secretary of Transportation to ensure compliance
19 with this section.

20 “(c) LIMITATION ON APPLICATION.—This section
21 and the regulations and prohibitions under this section
22 shall not apply to the United States Postal Service and
23 any other department, agency, or instrumentality of the
24 Federal Government.

1 **“SEC. 2102. COMMERCIAL MOTOR VEHICLE OPERATORS**
2 **REGISTERED TO OPERATE IN MEXICO OR**
3 **CANADA.**

4 “The Secretary shall prohibit a commercial motor ve-
5 hicle operator licensed to operate in Mexico or Canada
6 from operating a commercial motor vehicle transporting
7 a security-sensitive material in commerce in the United
8 States until the operator has been subjected to, and not
9 disqualified as a result of, a security threat assessment
10 by a Federal agency that the Secretary determines is simi-
11 lar to the security threat assessment required for commer-
12 cial motor vehicle operators in the United States trans-
13 porting security-sensitive materials in commerce.

14 **“SEC. 2103. REDUNDANT SECURITY THREAT ASSESSMENTS.**

15 “(a) IN GENERAL.—The Secretary shall prohibit a
16 State or political subdivision thereof from requiring a sep-
17 arate security threat assessment of an individual, who pos-
18 sesses a valid transportation security credential issued
19 under section 70105 of title 46, United States Code, seek-
20 ing to transport, or involved in facilitating the transport
21 of, a security-sensitive or hazardous material.

22 “(b) WAIVERS.—The Secretary may waive the appli-
23 cation of subsection (a) with respect to a State or political
24 subdivision thereof if the State or political subdivision
25 demonstrates a compelling reason that a separate security
26 threat assessment is necessary to ensure the secure trans-

1 portation of a security-sensitive or hazardous material in
2 the State or political subdivision.

3 “(c) **LIMITATION ON STATUTORY CONSTRUCTION.**—

4 Nothing in this section shall limit the authority of a State
5 to ensure that an individual has the requisite knowledge
6 and skills to safely transport hazardous materials in com-
7 merce.

8 **“SEC. 2104. TRANSITION.**

9 “(a) **TREATMENT OF INDIVIDUALS RECEIVING PRIOR**
10 **HAZARDOUS MATERIALS ENDORSEMENTS.**—An indi-
11 vidual who has obtained a hazardous materials endorse-
12 ment in accordance with section 1572 of title 49, Code
13 of Federal Regulations, before the date of enactment of
14 this title, is deemed to have met the background check
15 requirements of a transportation security card under sec-
16 tion 70105 of title 46, United States Code, subject to
17 reissuance or expiration dates of the hazardous materials
18 endorsement.

19 “(b) **REDUCTION IN FEES.**—The Secretary shall re-
20 duce, to the greatest extent practicable, any fees associ-
21 ated with obtaining a transportation security card under
22 section 70105 of title 46, United States Code, for any indi-
23 vidual referred to in subsection (a).

1 **“SEC. 2105. SAVINGS CLAUSE.**

2 “Nothing in this title shall be construed as affecting
3 the authority of the Secretary of Transportation to regu-
4 late hazardous materials under chapter 51 of title 49,
5 United States Code.

6 **“SEC. 2106. DEFINITIONS.**

7 “In this title, the following definitions apply:

8 “(1) **COMMERCE.**—The term ‘commerce’ means
9 trade or transportation in the jurisdiction of the
10 United States—

11 “(A) between a place in a State and a
12 place outside of the State; or

13 “(B) that affects trade or transportation
14 between a place in a State and a place outside
15 of the State.

16 “(2) **HAZARDOUS MATERIAL.**—The term ‘haz-
17 arduous material’ has the meaning given that term in
18 section 5102 of title 49, United States Code.

19 “(3) **PERSON.**—The term ‘person’, in addition
20 to its meaning under section 1 of title 1, United
21 States Code, includes a State, local, or tribal govern-
22 ment offering security-sensitive material for trans-
23 portation in commerce or transporting security-sen-
24 sitive material to further a commercial enterprise.

25 “(4) **SECURITY-SENSITIVE MATERIAL.**—The
26 term ‘security-sensitive material’ has the meaning

1 given that term in section 1501 of the Implementing
2 Recommendations of the 9/11 Commission Act of
3 2007 (6 U.S.C. 1151).

4 “(5) SECURITY THREAT ASSESSMENT.—The
5 term ‘security threat assessment’ means any assess-
6 ment conducted by a government agency that in-
7 cludes a check against a terrorist watch list or ter-
8 rorism database, and may also include a legal pres-
9 ence check and a criminal history records check.

10 “(6) TRANSPORTS; TRANSPORTATION.—The
11 term ‘transports’ or ‘transportation’ means the
12 movement of property and loading, unloading, or
13 storage incidental to such movement.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 contained in section 1(b) of the Homeland Security Act
16 of 2002 (116 Stat. 2135) is amended by adding at the
17 end the following:

“TITLE XXI—SURFACE TRANSPORTATION CREDENTIALING

“Sec. 2101. Transportation of security-sensitive materials.

“Sec. 2102. Commercial motor vehicle operators registered to operate in Mexico
or Canada.

“Sec. 2103. Redundant security threat assessments.

“Sec. 2104. Transition.

“Sec. 2105. Savings clause.

“Sec. 2106. Definitions.”.

18 (c) SECURITY CARDS FOR CERTAIN MOTOR VEHICLE
19 OPERATORS.—Section 70105(b)(2) of title 46, United
20 States Code, is amended by striking “and” after the semi-
21 colon at the end of subparagraph (F), by striking the pe-

1 riod at the end of subparagraph (G) and inserting “; and”,
2 and by adding at the end the following new subparagraph:

3 “(H) an individual who operates a motor
4 vehicle in commerce while transporting security-
5 sensitive material (as that term is defined in
6 section 1501 of the Implementing Rec-
7 ommendations of the 9/11 Commission Act of
8 2007 (6 U.S.C. 1151)).”.

9 (d) CIVIL PENALTIES.—Section 114(v) of title 49,
10 United States Code, is amended—

11 (1) in paragraph (1)(A), by inserting “under
12 title XXI of the Homeland Security Act of 2002 or”
13 after “Secretary of Homeland Security”; and

14 (2) by striking “applicable provision of this
15 title” each place it appears and inserting “applicable
16 provision”.

17 **SEC. 305. TRANSPORTATION WORKER IDENTIFICATION**
18 **CREDENTIAL ENROLLMENT CENTERS.**

19 Section 70105 of title 46, United States Code, is fur-
20 ther amended by adding at the end thereof the following:

21 “(r) ENROLLMENT LOCATIONS.—The Secretary
22 shall—

23 “(1) work with appropriate entities to ensure
24 that enrollment locations for individuals applying for

1 a transportation security card have flexible operating
2 hours; and

3 “(2) permit an individual applying for or acti-
4 vating such transportation security card to utilize an
5 enrollment location of such individual’s choosing, in-
6 cluding an enrollment location outside of the individ-
7 ual’s State of residence.

8 “(s) NUMBER OF ENROLLMENT LOCATIONS.—The
9 Secretary shall develop and implement a plan—

10 “(1) to offer individuals applying for a trans-
11 portation security card the maximum number of en-
12 rollment locations practicable across diverse geo-
13 graphic regions; and

14 “(2) to conduct outreach to appropriate stake
15 holders, including owners and operators of motor ve-
16 hicles involved in the transportation of security-sen-
17 sitive materials, owners and operators of facilities
18 that require individuals to be issued a transportation
19 security card, and labor organizations representing
20 employees of such owners or operators, to keep the
21 stakeholders informed of the timeframe and loca-
22 tions for the opening of additional enrollment loca-
23 tions.”.

1 **SEC. 306. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.**

2 Section 5103a of title 49, United States Code, and
3 the item relating to that section in the analysis for chapter
4 51 of such title, are repealed.

5 **SEC. 307. DEADLINES AND EFFECTIVE DATES.**

6 (a) ISSUANCE OF TRANSPORTATION SECURITY
7 CARDS.—Upon issuance of the final regulations as re-
8 quired in section 5, but not later than one year after the
9 date of the enactment of this Act, the Secretary of Home-
10 land Security (as that term is defined in section 70101
11 of title 46, United States Code) shall begin issuance of
12 transportation security cards under section
13 70105(b)(2)(H) of title 46, United States Code, as amend-
14 ed by this Act, to individuals who seek to operate a motor
15 vehicle in commerce while transporting security-sensitive
16 materials.

17 (b) EFFECTIVE DATE OF PROHIBITIONS.—The pro-
18 hibitions under section 2101 of the Homeland Security
19 Act of 2002 (as added by section 5) shall take effect on
20 the date that is 2 years after the date of enactment of
21 this Act.

22 (c) EFFECTIVE DATE OF SECTION 7 AMEND-
23 MENTS.—The amendments made by section 7 shall take
24 effect on the date that is 2 years after the date of enact-
25 ment of this Act.

1 **SEC. 308. STREAMLINING CREDENTIALS FOR SECURE AREA**
2 **ACCESS AT AIRPORTS.**

3 (a) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the Secretary of Homeland Secu-
5 rity shall report to the appropriate congressional commit-
6 tees on the feasibility of developing a single transmission
7 process for airport operators to submit biometric and bio-
8 graphic data for background checks to both the Adminis-
9 tration and U.S. Customs and Border Protection for
10 transportation workers requiring unescorted access to Se-
11 cure Identification Display Areas at an airport.

12 (b) SINGLE DATA TRANSMISSION PROCESS ESTAB-
13 LISHMENT.—Based on the findings of the report under
14 subsection (a), the Secretary may establish a process for
15 airport operators to submit one data transmission of bio-
16 metric and biographic information for the security threat
17 assessment process for any agency within the Department,
18 including the Administration and U.S. Customs and Bor-
19 der Protection.

20 **SEC. 309. JOBS IMPACT.**

21 The Assistant Secretary shall submit to appropriate
22 congressional committees, including the Committee on
23 Homeland Security of the House of Representatives, a re-
24 port that, at a minimum, includes—

25 (1) an estimate of the number of potential jobs
26 created or lost within the private sector as a result

1 of implementation of final regulations, as required
2 pursuant to title XXI of the Homeland Security Act
3 of 2002, as added by section 304 of this Act; and

4 (2) information received from owners and oper-
5 ators about how the regulations could be revised to
6 spur potential job creation or stem potential job loss.

7 **Subtitle B—Security Assistance** 8 **and Enhancements**

9 **SEC. 321. VISIBLE INTERMODAL PREVENTION AND RE-** 10 **SPONSE TEAMS.**

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

14 (1) in subsection (a)—

15 (A) in the matter preceding paragraph (1),
16 by striking “Administrator of the Transpor-
17 tation Security Administration,” and inserting
18 “Assistant Secretary of Homeland Security
19 (Transportation Security Administration),”;

20 (B) in paragraph (4) by striking “team,”
21 and inserting “team as to specific locations and
22 times within the facilities of such entities at
23 which VIPR teams should be deployed to maxi-
24 mize the effectiveness of such deployment,”;
25 and

1 (2) by striking subsection (b) and inserting the
2 following:

3 “(b) PERFORMANCE MEASURES.—Not later than one
4 year after the date of the enactment of the Transportation
5 Security Administration Authorization Act of 2011, the
6 Assistant Secretary of Homeland Security (Transportation
7 Security Administration) shall develop and imple-
8 ment a system of qualitative performance measures and
9 objectives by which to assess the roles, activities, and ef-
10 fectiveness of VIPR team operations on an ongoing basis,
11 including a mechanism through which the transportation
12 entities referred to in subsection (a)(4) may submit feed-
13 back on VIPR team operations involving their systems or
14 facilities.

15 “(c) PLAN.—Not later than one year after the date
16 of the enactment of the Transportation Security Adminis-
17 tration Authorization Act of 2011, the Assistant Secretary
18 shall develop and implement a plan for ensuring the inter-
19 operability of communications among VIPR team partici-
20 pants and between VIPR teams and any transportation
21 entities with systems or facilities that are involved in
22 VIPR team operations. The plan shall include an analysis
23 of the costs and resources required to carry out the plan.”.

1 **SEC. 322. TRANSIT SECURITY GRANTS.**

2 (a) IMPROVEMENT OF PUBLIC TRANSPORTATION SE-
3 CURITY ASSISTANCE.—

4 (1) IN GENERAL.—Section 1406 of the Imple-
5 menting Recommendations of the 9/11 Commission
6 Act of 2007 (6 U.S.C. 1135) is amended—

7 (A) in subsection (b)(1)—

8 (i) in subparagraph (B), by inserting
9 “bollards,” after “including”; and

10 (ii) in subparagraph (D), by inserting
11 after “including” the following: “projects
12 for the purpose of demonstrating or assess-
13 ing the capability of such systems and”;

14 (B) by redesignating subsections (e)
15 through (k) as subsections (f) through (l), re-
16 spectively;

17 (C) by redesignating subsections (l) and
18 (m) as subsections (n) and (o), respectively; and

19 (D) by inserting after subsection (d) the
20 following new subsection (e):

21 “(e) PROCEDURE.—

22 “(1) TIMELINE.—

23 “(A) AVAILABILITY OF APPLICATIONS.—

24 Applications for grants under this section for a
25 grant cycle shall be made available to eligible
26 applicants not later than 30 days after the date

1 of the enactment of the appropriations Act for
2 the Department of Homeland Security for the
3 same fiscal year as the grant cycle.

4 “(B) SUBMISSION OF APPLICATIONS.—A
5 public transportation agency that is eligible for
6 a grant under this section shall submit an ap-
7 plication for a grant not later than 45 days
8 after the applications are made available under
9 subparagraph (A).

10 “(C) ACTION.—The Secretary shall make a
11 determination approving or rejecting each appli-
12 cation submitted under subparagraph (B), no-
13 tify the applicant of the determination, and im-
14 mediately commence any additional processes
15 required to allow an approved applicant to
16 begin to receive grant funds by not later than
17 60 days after date on which the Secretary re-
18 ceives the application.

19 “(D) AVAILABILITY OF FUNDS.—To the
20 extent feasible, not later than 60 days after the
21 Secretary makes a determination under sub-
22 paragraph (C) approving an application, the
23 Secretary shall make the grant funds available
24 to the applicant.

1 “(2) PROHIBITION OF COST-SHARING REQUIRE-
2 MENT.—No grant under this section may require
3 any cost-sharing contribution from the grant recipi-
4 ent or from any related State or local agency.

5 “(3) ANNUAL REPORT.—Not later than the
6 date that is 180 days after the last determination
7 made under paragraph (1)(C) for a grant cycle, the
8 Secretary shall submit to the Committees on Appro-
9 priations and Homeland Security of the House of
10 Representatives and the Committees on Appropria-
11 tions and Homeland Security and Governmental Af-
12 fairs of the Senate a report that includes a list of
13 all grants awarded under this section for that grant
14 cycle for which the grant recipient is not, as of such
15 date, able to receive grant funds and an explanation
16 of why such funds have not yet been released for use
17 by the recipient.

18 “(4) PERFORMANCE.—

19 “(A) DURATION.—The performance period
20 for grants made under this section shall be a
21 period of time not less than 36 months in dura-
22 tion.

23 “(B) TIMING.—The performance period
24 for any grant made under this section shall not
25 begin to run until the recipient of the grant has

1 been formally notified that funds provided
2 under the terms of the grant have been released
3 for use by the recipient.”;

4 (E) by inserting after subsection (l), as re-
5 designated by paragraph (2) of this section, the
6 following new subsection (m):

7 “(m) ACCESS.—The Secretary shall ensure that, for
8 each grant awarded under this section, the Inspector Gen-
9 eral of the Department is authorized to—

10 “(1) examine any records of the grant recipient
11 or any contractors or subcontractors with which the
12 recipient enters into a contract, or any State or local
13 agency, that directly pertain to and involve trans-
14 actions relating to grants under this section; and

15 “(2) interview any officer or employee of the re-
16 cipient, any contractors or subcontractors with
17 which the recipient enters into a contract, or State
18 or local agency regarding such transactions.”; and

19 (F) in subsection (o), as redesignated by
20 paragraph (3) of this section—

21 (i) by striking paragraph (1) and in-
22 serting the following new paragraph (1):

23 “(1) IN GENERAL.—There is authorized to be
24 appropriated to the Secretary to make grants under
25 this section \$400,000,000 for fiscal year 2012, ex-

1 cept that not more than 50 percent of such funds
2 may be used for operational costs under subsection
3 (b)(2) of this section.”;

4 (ii) by redesignating paragraphs (3)
5 and (4) as paragraphs (4) and (5), respec-
6 tively; and

7 (iii) by inserting after paragraph (2)
8 the following new paragraph (3):

9 “(3) EXCEPTION.—The limitation on the per-
10 centage of funds that may be used for operational
11 costs under paragraph (1) shall not apply to any
12 costs involved with or relating to explosives detection
13 canine teams acquired or used for the purpose of se-
14 curing public transportation systems or facilities.”.

15 (2) REPORT ON RECOMMENDATIONS OF COMP-
16 TROLLER GENERAL.—

17 (A) REPORT REQUIRED.—Not later than
18 90 days after the date of the enactment of this
19 Act, the Secretary of Homeland Security shall
20 submit to the Committee on Homeland Security
21 of the House of Representatives and the Com-
22 mittee on Homeland Security and Govern-
23 mental Affairs of the Senate a report on the
24 status of the Secretary’s implementation of the
25 recommendations of the Comptroller General

1 with respect to the improvement of the adminis-
2 tration of security grants under section 1406 of
3 the Implementing Recommendations of the 9/11
4 Commission Act of 2007 (6 U.S.C. 1135).

5 (B) REVIEW BY INSPECTOR GENERAL.—

6 Before the Secretary submits the report re-
7 quired under paragraph (1), the report shall be
8 reviewed by the Inspector General of the De-
9 partment. When the Secretary submits the re-
10 port to Congress under paragraph (1), the Sec-
11 retary shall include with the report documenta-
12 tion verifying that the report was reviewed by
13 the Inspector General in accordance with this
14 paragraph.

15 (b) PUBLIC TRANSPORTATION SECURITY ASSIST-

16 ANCE.—

17 (1) SECURITY ASSISTANCE PROGRAM.—Section
18 1406(a) of the National Transit Systems Security
19 Act of 2007 (6 U.S.C. 1135(a)) is amended—

20 (A) in paragraph (1) by inserting “and law
21 enforcement” after “public transportation”; and

22 (B) by adding at the end the following:

23 “(3) LAW ENFORCEMENT AGENCY ELIGI-
24 BILITY.—A law enforcement agency is eligible for a
25 grant under this section if the agency enters into a

1 memorandum of agreement or other arrangement
2 with a public transportation agency that is eligible
3 for a grant under paragraph (2) to oversee, direct,
4 and command the security operations of that public
5 transportation agency.”.

6 (2) USES OF FUNDS.—Section 1406(b)(1)(J) of
7 the National Transit Systems Security Act of 2007
8 (6 U.S.C. 1135(b)(1)(J)) is amended by striking
9 “evacuation improvements” and inserting “con-
10 sequence management investments, including invest-
11 ments with respect to evacuation improvements,
12 route designation and signage, and public assistance
13 materials”.

14 (3) AUTHORIZATION OF APPROPRIATIONS.—
15 Section 1406(m)(1) of the National Transit Systems
16 Security Act of 2007 (6 U.S.C. 1135(m)(1)) is
17 amended—

18 (A) in subparagraph (D) by striking “and”

19 at the end;

20 (B) in subparagraph (E)—

21 (i) by striking “10 percent” and in-
22 serting “50 percent”; and

23 (ii) by striking “subsection (b)(2).”
24 and inserting “subsection (b)(2); and”;

25 and

1 (C) by adding at the end the following:

2 “(F) \$400,000,000 for fiscal year 2012,
3 except that not more than 50 percent of such
4 funds may be used for operational costs under
5 subsection (b)(2).”.

6 **SEC. 323. FREIGHT RAIL SECURITY DEMONSTRATION**
7 **PROJECT.**

8 (a) **DEMONSTRATION PROJECT.**—The Assistant Sec-
9 retary, in consultation with the Under Secretary of Home-
10 land Security for Science and Technology, shall conduct
11 a demonstration project in a freight rail system to test
12 and assess the feasibility and effectiveness of technologies
13 to strengthen the security of freight rail systems against
14 terrorist attacks involving the use of improvised explosive
15 devices and tampering with infrastructure to cause a de-
16 railment.

17 (b) **SECURITY TECHNOLOGIES.**—The demonstration
18 project under this section shall be designed to test and
19 assess technologies to—

20 (1) detect improvised explosive devices on
21 bridges and in tunnels through the use of foreign ob-
22 ject detection programs; and

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

1 **SEC. 324. EXPLOSIVES DETECTION CANINE TEAMS FOR**
2 **SURFACE TRANSPORTATION.**

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

6 (1) in subsection (b)—

7 (A) in paragraph (1)(A), by striking
8 “2010” and inserting “2012”; and

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

11 “(3) PASSENGER SCREENING TEAMS.—

12 “(A) IN GENERAL.—In order to strengthen
13 the Nation’s mass transit infrastructure against
14 explosives threats, the Assistant Secretary of
15 Homeland Security (Transportation Security
16 Administration) shall—

17 “(i) increase the number of explosives
18 detection canine teams certified by the
19 Transportation Security Administration
20 devoted to passenger rail and public trans-
21 portation security activities to not less
22 than 200 canine teams by the end of fiscal
23 year 2012;

24 “(ii) increase the assistance provided
25 to passenger rail and public transportation
26 agencies for participation in the Transpor-

1 tation Security Administration’s canine
2 program to \$75,000 per canine team; and

3 “(iii) expand the use of canine teams
4 trained to detect explosives based on meth-
5 ods other than traditional explosives detec-
6 tion training techniques.

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

21 “(C) AUTHORIZATION OF APPROPRIA-
22 TIONS.—From amounts made available under
23 section 101 of the Transportation Security Ad-
24 ministration Authorization Act of 2011, there
25 are authorized to be appropriated to the Sec-

1 retary such sums as may be necessary to carry
2 out this paragraph for each of fiscal years 2012
3 and 2013.”;

4 (2) in subsection (d)—

5 (A) in paragraph (3), by striking “and”;

6 (B) in paragraph (4), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (C) by adding at the end the following new
9 paragraph:

10 “(5) expand the use of canine teams trained to
11 detect person-borne explosives in passenger rail and
12 public transportation security environments, as the
13 Secretary, in consultation with the Assistant Sec-
14 retary of Homeland Security (Transportation Secu-
15 rity Administration), determines appropriate.”; and

16 (3) in subsection (e), by striking “, if appro-
17 priate,” and inserting “, to the extent practicable,”.

18 **SEC. 325. PIPELINE SECURITY STUDY.**

19 (a) **STUDY.**—The Comptroller General of the United
20 States shall conduct a study regarding the roles and re-
21 sponsibilities of the Department of Homeland Security
22 and the Department of Transportation with respect to
23 pipeline security. The study shall address whether—

24 (1) the Annex to the Memorandum of Under-
25 standing executed on August 9, 2006, between the

1 Department of Homeland Security and the Depart-
2 ment of Transportation adequately delineates stra-
3 tegic and operational responsibilities for pipeline se-
4 curity, including whether it is clear which Depart-
5 ment is responsible for—

6 (A) protecting against intentional pipeline
7 breaches;

8 (B) responding to intentional pipeline
9 breaches; and

10 (C) planning to recover from the effects of
11 intentional pipeline breaches;

12 (2) the respective roles and responsibilities of
13 each Department are adequately conveyed to rel-
14 evant stakeholders and to the public; and

15 (3) the processes and procedures for deter-
16 mining whether a particular pipeline breach is a ter-
17 rorist incident are clear and effective.

18 (b) REPORT ON STUDY.—Not later than 180 days
19 after the date of the enactment of this section, the Comp-
20 troller General shall submit to the Committee on Home-
21 land Security of the House of Representatives and the
22 Committee on Commerce, Science, and Transportation of
23 the Senate a report containing the findings of the study
24 conducted under subsection (a).

1 (c) REPORT TO CONGRESS.—Not later than 90 days
2 after the submittal of the report under subsection (b), the
3 Secretary of Homeland Security shall review and analyze
4 the study and submit to the Committee on Homeland Se-
5 curity of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation of the Senate
7 a report on such review and analysis, including any rec-
8 ommendations for—

9 (1) changes to the Annex to the Memorandum
10 of Understanding referred to in subsection (a)(1);
11 and

12 (2) other improvements to pipeline security ac-
13 tivities at the Department of Homeland Security.

14 **SEC. 326. REPEAL OF LIMITATION RELATING TO MOTOR**
15 **CARRIER SECURITY-SENSITIVE MATERIAL**
16 **TRACKING TECHNOLOGY.**

17 Section 1554 of the Implementing Recommendations
18 of the 9/11 Commission Act of 2007 (6 U.S.C. 1204) is
19 amended by striking subsection (d).

20 **Subtitle C—Information Sharing**

21 **SEC. 341. SURFACE TRANSPORTATION SECURITY STAKE-**
22 **HOLDER PARTICIPATION.**

23 (a) IN GENERAL.—Title XIII of the Implementing
24 Recommendations of the 9/11 Commission Act of 2007 (6

1 U.S.C. 1111 et seq.) is amended by adding at the end
2 the following:

3 **“SEC. 1311. SURFACE TRANSPORTATION ADVISORY COM-**
4 **MITTEE.**

5 “(a) ESTABLISHMENT.—

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

13 “(2) RECOMMENDATIONS.—

14 “(A) IN GENERAL.—The Assistant Sec-
15 retary shall require the Advisory Committee to
16 develop recommendations for improvements to
17 surface transportation security planning, meth-
18 ods, equipment, and processes.

19 “(B) PRIORITY ISSUES.—Not later than
20 one year after the date of the enactment of the
21 Transportation Security Administration Author-
22 ization Act of 2011, the Advisory Committee
23 shall submit to the Assistant Secretary rec-
24 ommendations on improving homeland security
25 information sharing between components of the

1 Department of Homeland Security and surface
2 transportation security stakeholders, including
3 those represented on the Advisory Committee.

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

8 “(4) UNPAID POSITION.—Advisory Committee
9 Members shall serve at their own expense and re-
10 ceive no salary, reimbursement for travel expenses,
11 or other compensation from the Federal Govern-
12 ment.

13 “(b) MEMBERSHIP.—

14 “(1) IN GENERAL.—The Assistant Secretary
15 shall ensure that the Advisory Committee is com-
16 posed of not more than one individual representing
17 not more than 27 member organizations, including
18 representatives from public transportation agencies,
19 passenger rail agencies or operators, railroad car-
20 riers, motor carriers, owners or operators of high-
21 ways, over-the-road bus operators and terminal own-
22 ers and operators, pipeline operators, labor organiza-
23 tions representing employees of such entities, and
24 the surface transportation security technology indus-
25 try.

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

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

9 “(d) PASSENGER CARRIER SECURITY WORKING
10 GROUP.—

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

20 “(2) MEETINGS.—The working group shall
21 meet at least semiannually and provide annual re-
22 ports to the Assistant Secretary with recommenda-
23 tions to improve the Transportation Security Admin-
24 istration’s initiatives relating to passenger rail, over-
25 the-road bus, and public transportation security, in-

1 including grants, training, inspection, or other relevant
2 programs authorized in titles XIII and XIV, and
3 subtitle C of title XV of this Act.

4 “(3) MEMBERSHIP.—The working group shall
5 be composed of members from the Advisory Com-
6 mittee with expertise in public transportation, over-
7 the-road bus, or passenger rail systems and oper-
8 ations, all appointed by the Assistant Secretary.

9 “(4) REPORTS.—

10 “(A) IN GENERAL.—The working group
11 shall prepare and submit reports to the Assist-
12 ant Secretary in accordance with this para-
13 graph that provide recommendations as de-
14 scribed in paragraphs (1) and (2).

15 “(B) SUBMISSION.—Not later than one
16 year after the date of the enactment of the
17 Transportation Security Administration Author-
18 ization Act of 2011, and on an annual basis
19 thereafter, the working group shall submit a re-
20 port on the findings and recommendations de-
21 veloped under subparagraph (A) to the Assist-
22 ant Secretary.

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

24 “(1) IN GENERAL.—The Assistant Secretary
25 shall establish within the Advisory Committee a

1 freight rail security working group to provide rec-
2 ommendations for successful implementation of ini-
3 tiatives relating to freight rail security proposed by
4 the Transportation Security Administration in ac-
5 cordance with statutory requirements, including rel-
6 evant grant programs and security training provi-
7 sions.

8 “(2) MEETINGS.—The working group shall
9 meet at least semiannually and provide annual re-
10 ports to the Assistant Secretary with recommenda-
11 tions to improve the Transportation Security Admin-
12 istration’s initiatives relating to freight rail security,
13 including grant, training, inspection, or other rel-
14 evant programs authorized in titles XIII and XV of
15 this Act.

16 “(3) MEMBERSHIP.—The working group shall
17 be composed of members from the Advisory Com-
18 mittee with expertise in freight rail systems and op-
19 erations, all appointed by the Assistant Secretary.

20 “(4) REPORTS.—

21 “(A) IN GENERAL.—The working group
22 shall prepare and submit reports to the Assist-
23 ant Secretary in accordance with this para-
24 graph that provide recommendations as de-
25 scribed in paragraphs (1) and (2).

1 “(B) SUBMISSION.—Not later than one
2 year after the date of the enactment of the
3 Transportation Security Administration Author-
4 ization Act of 2011, and on an annual basis
5 thereafter, the working group shall submit a re-
6 port on the findings and recommendations de-
7 veloped under subparagraph (A) to the Assist-
8 ant Secretary.”.

9 (b) CONFORMING AMENDMENT.—Section 1(b) of the
10 Implementing Recommendations of the 9/11 Commission
11 Act of 2007 (Public Law 110–53) is amended by adding
12 at the end of the items relating to title XIII (Transpor-
13 tation Security Enhancements) the following:

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

14 **SEC. 342. PLAN TO IMPROVE INFORMATION SHARING.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary, acting
17 through the Assistant Secretary, shall develop a plan to
18 improve intelligence information sharing with State and
19 local transportation entities that includes best practices to
20 ensure that the information shared is actionable, useful,
21 and not redundant.

22 (b) CONTENTS.—The plan required by subsection (a)
23 shall include—

24 (1) the incorporation of best practices for infor-
25 mation sharing;

1 (2) the identification of areas of overlap and re-
2 dundancy;

3 (3) an evaluation and incorporation of stake-
4 holder input in the development of the plan; and

5 (4) the integration of recommendations of the
6 Comptroller General of the United States on infor-
7 mation sharing.

8 (c) The Assistant Secretary shall solicit on an annual
9 basis input from appropriate stakeholders, including State
10 and local transportation entities, on the quality and quan-
11 tity of intelligence they receive.

12 **SEC. 343. BEST PRACTICES SHARING.**

13 (a) **IN GENERAL.**—Not later than 180 days after the
14 date of the enactment of this Act, the Secretary, acting
15 through the Assistant Secretary, shall establish a mecha-
16 nism to share with State and local transportation entities
17 best practices from across the law enforcement spectrum,
18 including Federal, State, local, and tribal entities, that re-
19 late to employee training, employee professional develop-
20 ment, technology development and deployment, hardening
21 tactics, and passenger and employee awareness programs.

22 (b) **CONSULTATION.**—The Assistant Secretary shall
23 solicit and incorporate stakeholder input—

24 (1) in developing the mechanism for sharing
25 best practices as required under subsection (a); and

1 (2) not less frequently than once each year on
2 the quality and quantity of information such stake-
3 holders receive through the mechanism established
4 under subsection (a).

○