

STRENGTHENING LOCAL TRANSPORTATION SECURITY
 CAPABILITIES ACT OF 2019

MAY 30, 2019.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
 Security, submitted the following

R E P O R T

[To accompany H.R. 2539]

The Committee on Homeland Security, to whom was referred the bill (H.R. 2539) to require the Secretary of Homeland Security to prioritize the assignment of certain officers and intelligence analysts from the Transportation Security Administration and the Office of Intelligence and Analysis of the Department of Homeland Security to locations with participating State, local, and regional fusion centers in jurisdictions with a high-risk surface transportation asset in order to enhance the security of such assets, including by improving timely sharing of classified information regarding terrorist and other threats, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 2539, the Strengthening Local Transportation Security Capabilities Act of 2019, is to improve threat information sharing and law enforcement training for surface transportation security. This bill requires the Secretary of the Department of Homeland Security (DHS) to prioritize the assignment of officers and intelligence analysts from the Transportation Security Administration (TSA) and the DHS Office of Intelligence and Analysis (I&A) to fusion centers in jurisdictions with high-risk surface transportation assets, in order to participate in the generation and dissemination of intelligence products, and to make security clearances available to appropriate stakeholders. This bill also enables the Secretary to develop a training program through the Federal Law Enforcement Training Centers (FLETC) to enhance the protection, preparedness, and response capabilities of law enforcement agencies for terrorism incidents at surface transportation assets.

BACKGROUND AND NEED FOR LEGISLATION

In the surface transportation sector, State and local law enforcement, as well as owners and operators of transportation assets, play a major role in securing the traveling public. A common complaint from stakeholders is that TSA and other Federal government partners do not provide sufficient information for them to adequately prepare for threats. Much of the needed information is classified, and many stakeholders lack the necessary security clearances to receive such information. Introduced by Nanette Barragán (D-CA), H.R. 2539 seeks to address these issues by increasing information sharing and making security clearances available to appropriate stakeholders.

Additionally, this bill seeks to assist surface transportation asset owners and operators to secure their systems by developing a training program for law enforcement with a focus on surface transportation threats. It is imperative that TSA collaborate with both public and private stakeholders in order to sufficiently overcome the unique challenges to securing surface transportation. This bill will ensure that TSA improves its relationships with transportation facility stakeholders, as well as state and local law enforcement.

HEARINGS

The Committee did not hold a legislative hearing on H.R. 2539 in the 116th Congress. However, this legislation was informed by a joint Subcommittee on Transportation and Maritime Security and Subcommittee on Cybersecurity, Infrastructure Protection, and Innovation hearing on February 22, 2019, entitled, “Securing U.S. Surface Transportation from Cyber Attacks.” The Subcommittees received testimony from Ms. Sonya Proctor, Director of Surface Division, Office of Security Policy and Industry Engagement, TSA; Mr. Bob Kolasky, Director of National Risk Management Center, Cybersecurity and Infrastructure Security Agency; Mr. James Lewis, Senior Vice President and Director, Technology Policy Program, Center for Strategic & International Studies; Ms. Rebecca Gagliostro, Director of Security, Reliability and Resilience, Interstate Natural Gas Association of America; Mr. Erik Robert Olson,

Vice President, Rail Security Alliance; and Mr. John Hultquist, Director of Intelligence Analysis, FireEye.

This legislation was also informed by a joint Subcommittee on Transportation and Protective Security and Subcommittee on Emergency Preparedness, Response, and Communications hearing on January 30, 2018 entitled “Securing our Surface Transportation Systems: Examining the Department of Homeland Security’s Role in Surface Transportation Technologies.” The Subcommittee received testimony from Ms. Sonya Proctor, Director of Surface Division, Office of Security Policy and Industry Engagement, Transportation Security Administration; Mr. Robert Pryor, Director of Intermodal Division, Office of Requirements and Capabilities Analysis, Transportation Security Administration; Mr. Donald E. Roberts, Program Manager of Explosive Threat Detection, Explosives Division, Homeland Security Advanced Research Projects Agency, DHS Science and Technology Directorate; and Mr. Brian Michael Jenkins, Director, National Transportation Security Center of Excellence, Mineta Transportation Institute.

Finally, this legislation was also informed by a Subcommittee on Transportation and Protective Security hearing on November 28, 2017 entitled “Securing Public Areas of Transportation Systems: Stakeholder Perspectives.” The Subcommittee received testimony from Mr. Charles Cunningham, Director of Homeland Security and Emergency Management, Delaware River Port Authority (DRPA) Public Safety/PATCO; Mr. Thomas J. Nestel, III, Chief of Transit Police, Southeastern Pennsylvania Transportation Authority (SEPTA); Mr. Douglas Lemanowicz, Lieutenant of Special Operations Section, New Jersey State Police; and Mr. Christopher Trucillo, Chief of Transit Police, New Jersey Transit.

COMMITTEE CONSIDERATION

The Committee met on May 15, 2019, with a quorum being present, to consider H.R. 2539 and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 2539.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

CONGRESSIONAL BUDGET OFFICE ESTIMATE NEW BUDGET AUTHORITY,
ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 2539 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2539 seeks to improve threat information sharing and law enforcement training for transportation security.

ADVISORY ON EARMARKS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “Strengthening Local Transportation Security Capabilities Act of 2019”.

Sec. 2. Definitions

This section defines the terms used in this act including: “public and private sector stakeholders” and “surface transportation asset”.

Sec. 3. Threat information sharing

This section requires the DHS Secretary to prioritize the locations of officers and intelligence analysts to jurisdictions that have

a high-risk surface transportation asset in order to enhance the security of such assets and improve timely information sharing regarding terrorist threats. These locations are jurisdictions with participating State, local, and regional fusion centers.

Additionally, this section requires these officers and analysts to participate in generating and disseminating transportation security intelligence products that have an emphasis on threats to surface transportation.

Further, this section permits the Secretary to allow access to the application process for security clearances for individuals that would foster greater information sharing regarding threats to surface transportation.

Sec. 4. Local law enforcement security training

This section permits the Secretary to develop a training program through the Federal Law Enforcement Training Centers to enhance the capabilities of law enforcement agencies with respect to terrorism and other events at surface transportation sites. Additionally, this section outlines the requirements of the training program, should the Secretary develop it.