

114TH CONGRESS
2D SESSION

S. 3379

To improve surface transportation and maritime security.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2016

Mr. THUNE (for himself, Mr. NELSON, Mrs. FISCHER, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve surface transportation and maritime security.

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 “Surface Transportation and Maritime Security Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Surface transportation and maritime threat assessment and implementation of risk-based strategy.
- Sec. 4. Risk-based budgeting and resource allocation.
- Sec. 5. Surface transportation and maritime security management review.
- Sec. 6. Transparency.
- Sec. 7. TSA counterterrorism asset deployment.
- Sec. 8. Surface Transportation and Maritime Security Advisory Committee.

- Sec. 9. Review of Explosives Detection Canine Team Program.
- Sec. 10. Explosive detection technology.
- Sec. 11. Expansion of National Explosives Detection Canine Team Program.
- Sec. 12. Study on security standards and practices for mass transit and passenger rail.
- Sec. 13. Rail security services.
- Sec. 14. Systemwide Amtrak security upgrades.
- Sec. 15. Passenger rail vetting.
- Sec. 16. Surface transportation inspectors.
- Sec. 17. Transportation Worker Identification Credential improvements and assessment.
- Sec. 18. Military priority for TWIC applications.
- Sec. 19. Voluntary adoption of Transportation Worker Identification Credential.
- Sec. 20. Cargo container scanning technology review.
- Sec. 21. Background records checks for issuance of hazmat licenses.
- Sec. 22. Repeal of biennial reporting requirement for the Government Accountability Office relating to the Transportation Security Information sharing plan.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Transpor-
5 tation Security Administration.

6 (2) DEPARTMENT.—The term “Department”
7 means the Department of Homeland Security.

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

10 **SEC. 3. SURFACE TRANSPORTATION AND MARITIME**
11 **THREAT ASSESSMENT AND IMPLEMENTA-**
12 **TION OF RISK-BASED STRATEGY.**

13 (a) THREAT ASSESSMENT.—Not later than 90 days
14 after the date of enactment of this Act, the Administrator
15 shall complete an assessment of the threats posed to sur-
16 face transportation and maritime systems.

1 (b) CONSIDERATIONS.—In conducting the assess-
2 ment under subsection (a), the Administrator shall con-
3 sider—

4 (1) appropriate intelligence;

5 (2) security breaches and attacks at domestic
6 and international transportation facilities;

7 (3) the vulnerabilities associated with specific
8 modes of transportation;

9 (4) current and prospective allocation of agency
10 and stakeholder resources to mitigate threats;

11 (5) the systems and practices designed to miti-
12 gate the vulnerabilities identified in paragraph (3);
13 and

14 (6) the vetting and security training of—

15 (A) frontline employees in surface trans-
16 portation and maritime systems; and

17 (B) other individuals with access to sen-
18 sitive or secure areas of transportation net-
19 works.

20 (c) IMPLEMENTATION OF RISK-BASED STRATEGY.—

21 Using the results of the assessment completed under sub-
22 section (a), the Administrator shall—

23 (1) develop and implement a cross-cutting, risk-
24 based security strategy that—

1 (A) encompasses all transportation modes;
2 and

3 (B) establishes priorities, milestones, and
4 performance metrics to measure the effective-
5 ness of the strategy;

6 (2) identify the objectives of, and evaluate the
7 efficacy of, existing surface transportation and mari-
8 time security programs, policies, and initiatives;

9 (3) identify any additional risk-based programs
10 that the Administrator considers necessary to ad-
11 dress the threats and vulnerabilities identified in the
12 assessment;

13 (4) determine the extent to which stakeholder
14 security programs address the threats and
15 vulnerabilities identified in the assessment, including
16 any security vulnerabilities in existing programs;

17 (5) provide guidelines for aligning resources
18 with risk;

19 (6) develop planning processes to inform re-
20 source allocation;

21 (7) review current practices, including specific
22 processes, for sharing relevant and timely intel-
23 ligence threat information with appropriate stake-
24 holders;

(8) in consultation with the Secretary, the Secretary of Transportation, and the Commandant of the Coast Guard, adjust and update, as appropriate, the National Infrastructure Protection Plan, the modal annexes to such plan, and the Department's surface transportation and maritime security programs, policies, and initiatives;

(9) modify the risk-based priorities and resource allocation, in accordance with section 4(c), for the Transportation Security Administration; and

(10) develop a management oversight strategy that identifies the parties responsible for the implementation, management, and oversight of the security strategy under paragraph (1).

(d) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the completion of the assessment under subsection (a), the Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that—

(A) describes the findings of the assessment;

1 (B) includes a plan for implementing the
2 security strategy; and

3 (C) includes the management oversight
4 strategy under subsection (c)(10).

5 (2) UPDATES.—The Administrator shall pro-
6 vide periodic updates to the report submitted under
7 paragraph (1) that describe the surface transpor-
8 tation and maritime threat environment, based on
9 new information obtained by the Administrator.

10 (e) THREAT UPDATES.—Not less frequently than
11 semiannually, the Administrator shall report to or brief
12 the Committee on Commerce, Science, and Transportation
13 of the Senate and the Committee on Homeland Security
14 of the House of Representatives regarding threats to sur-
15 face transportation and maritime security.

16 **SEC. 4. RISK-BASED BUDGETING AND RESOURCE ALLOCA-**
17 **TION.**

18 (a) REPORT.—In conjunction with the submission of
19 the Department's annual budget request to the Office of
20 Management and Budget, the Administrator shall submit
21 a report to the Committee on Commerce, Science, and
22 Transportation of the Senate and the Committee on
23 Homeland Security of the House of Representatives that
24 describes a risk-based resource allocation plan for the sur-

1 face transportation and maritime sectors within and
2 across modes that—

3 (1) reflects the risk-based priorities identified
4 under section 3(e); and

5 (2) is organized by appropriations account, pro-
6 gram, project, and initiative.

7 (b) BUDGET TRANSPARENCY.—In submitting the an-
8 nual budget of the United States Government under sec-
9 tion 1105 of title 31, United States Code, the President
10 shall clearly distinguish the resources requested for sur-
11 face transportation and maritime security from the re-
12 sources requested for aviation security.

13 (c) RESOURCE REALLOCATION.—

14 (1) IN GENERAL.—Not later than 15 days after
15 the date on which the Administration allocates any
16 resources or personnel, including personnel sharing,
17 detailing, or assignment, or the use of facilities,
18 technology systems, or vetting resources, for a non-
19 transportation security purpose or event, the Sec-
20 retary shall provide the notification described in
21 paragraph (2) to the Committee on Commerce,
22 Science, and Transportation of the Senate and the
23 Committee on Homeland Security of the House of
24 Representatives.

1 (2) NOTIFICATION.—A notification described in
2 this paragraph shall include—

3 (A) the reason for and a justification of
4 the resource or personnel allocation;

5 (B) the expected end date of the resource
6 or personnel allocation; and

7 (C) the projected cost to the agency of the
8 personnel or resource allocation.

9 **SEC. 5. SURFACE TRANSPORTATION AND MARITIME SECU-**
10 **RITY MANAGEMENT REVIEW.**

11 (a) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Comptroller General of the
13 United States shall submit a report to Congress on the
14 staffing, resource and personnel allocation, oversight
15 strategy, and management of the Transportation Security
16 Administration’s surface transportation and maritime se-
17 curity programs.

18 (b) CONTENTS.—The report required under sub-
19 section (a) shall include information on the coordination
20 between the Transportation Security Administration,
21 other Federal agencies, and relevant stakeholders.

22 (c) CONSIDERATIONS.—The report required under
23 subsection (a) shall review the coordination of leadership,
24 planning, policy, and implementation of security programs
25 relating to surface transportation and maritime security.

1 **SEC. 6. TRANSPARENCY.**

2 (a) IN GENERAL.—Not later than 180 days after the
3 date of enactment of this Act, and every 180 days there-
4 after until final rules have been issued for all of the re-
5 quirements described in paragraphs (1), (2), and (3), the
6 Administrator shall publish on a public website informa-
7 tion regarding the status of—

8 (1) regulations required under titles XIII, XIV,
9 and XV of the Implementing Recommendations of
10 the 9/11 Commission Act of 2007 (6 U.S.C. 1111 et
11 seq.) and under this Act that have not been fully im-
12 plemented or for which no interim final rule or di-
13 rect final rule has been issued;

14 (2) regulations relating to surface transpor-
15 tation security (other than a regulation described
16 under paragraph (1)) that was required by law to be
17 issued at least 2 years before the initial date of pub-
18 lication under this subsection, but has not been
19 issued; and

20 (3) other transportation security rulemakings
21 categorized as significant.

22 (b) CONTENTS.—The information published under
23 subsection (a) shall include—

24 (1) a description of the work plan for each out-
25 standing regulation;

1 (2) an updated rulemaking schedule for each
2 outstanding regulation;

3 (3) current staff allocations;

4 (4) current data collection or research relating
5 to the development of the rulemaking;

6 (5) current collaborative efforts, if any, with se-
7 curity experts, advisory committees, and other stake-
8 holders;

9 (6) identified resource constraints impacting the
10 rulemaking process for the outstanding regulation;
11 and

12 (7) other relevant details associated with the
13 development of the rulemaking that impact the
14 progress of the rulemaking.

15 (c) INSPECTOR GENERAL REVIEW.—Not later than
16 180 days after the date of enactment of this Act, and
17 every 2 years thereafter until all of the requirements under
18 titles XIII, XIV, and XV of the Implementing Rec-
19 ommendations of the 9/11 Commission Act of 2007 (6
20 U.S.C. 1111 et seq.) and under this Act have been fully
21 implemented, the Inspector General of the Department
22 shall submit a report to the Committee on Commerce,
23 Science, and Transportation of the Senate and the Com-
24 mittee on Homeland Security and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives that—

3 (1) identifies the requirements under such titles
4 and under this Act that have not been fully imple-
5 mented;

6 (2) considers whether additional regulatory ac-
7 tion is necessary; and

8 (3) recommends any regulatory requirements
9 that should be modified or repealed.

10 **SEC. 7. TSA COUNTERTERRORISM ASSET DEPLOYMENT.**

11 (a) IN GENERAL.—If the Transportation Security
12 Administration deploys any counterterrorism personnel or
13 resource, such as explosive detection sweeps, random bag
14 inspections, or patrols by Visible Intermodal Protection
15 and Response teams, to enhance security at a transpor-
16 tation system or transportation facility for a period of not
17 less than 180 days, the Administrator shall provide suffi-
18 cient notification to the system operator not less than 14
19 days prior to terminating the deployment.

20 (b) SUFFICIENT NOTIFICATIONS.—In determining
21 whether notification under subsection (a) is sufficient, the
22 Administrator shall consider whether the transportation
23 system, transportation facility, or operator thereof has
24 sufficient resources to replace the asset and maintain an
25 appropriate level of security.

1 (c) EXCEPTION.—This section shall not apply if—

2 (1) the Administrator determines there is an
3 urgent security need for the personnel or resource
4 described in subsection (a); and

5 (2) notifies the Committee on Commerce,
6 Science, and Transportation of the Senate and the
7 Committee on Homeland Security of the House of
8 Representatives.

9 **SEC. 8. SURFACE TRANSPORTATION AND MARITIME SECU-**
10 **RITY ADVISORY COMMITTEE.**

11 (a) IN GENERAL.—Subtitle A of title IV of the
12 Homeland Security Act of 2002 (6 U.S.C. 201 et seq.)
13 is amended by adding at the end the following:

14 **“SEC. 404. SURFACE TRANSPORTATION AND MARITIME SE-**
15 **CURITY ADVISORY COMMITTEE.**

16 “(a) ESTABLISHMENT.—The Administrator of the
17 Transportation Security Administration (referred to in
18 this section as ‘Administrator’) shall establish within the
19 Transportation Security Administration the Surface
20 Transportation and Maritime Security Advisory Com-
21 mittee (referred to in this section as ‘Advisory Com-
22 mittee’).

23 “(b) DUTIES.—

24 “(1) IN GENERAL.—The Administrator, while
25 adhering to appropriate security guidelines, shall

1 consult with the Advisory Committee, as appro-
2 priate, on surface transportation and maritime secu-
3 rity matters, including the development, refinement,
4 and implementation of policies, programs, initiatives,
5 rulemakings, and security directives pertaining to
6 surface transportation and maritime security.

7 “(2) RECOMMENDATIONS.—The Advisory Com-
8 mittee shall develop recommendations for improve-
9 ments to surface transportation and maritime secu-
10 rity.

11 “(3) PERIODIC REPORTS.—The Advisory Com-
12 mittee shall periodically submit reports to the Ad-
13 ministrator on matters requested by the Adminis-
14 trator or by a majority of the members of the Advi-
15 sory Committee.

16 “(4) ANNUAL REPORT.—

17 “(A) SUBMISSION.—The Advisory Com-
18 mittee shall submit an annual report to the Ad-
19 ministrator, the Committee on Commerce,
20 Science, and Transportation of the Senate and
21 the Committee on Homeland Security of the
22 House of Representatives that provides infor-
23 mation on the activities, findings, and rec-
24 ommendations of the Advisory Committee dur-
25 ing the preceding year.

1 “(B) PUBLICATION.—Not later than 6
2 months after each date on which the Adminis-
3 trator receives an annual report under subpara-
4 graph (A), the Administrator shall publish a
5 public version of the report, in accordance with
6 section 552b of title 5, United States Code.

7 “(5) FEEDBACK.—Not later than 90 days after
8 the date on which the Administrator receives rec-
9 ommendations from the Advisory Committee under
10 paragraph (4)(A), the Administrator shall submit to
11 the Advisory Committee—

12 “(A) written feedback about each of the
13 recommendations;

14 “(B) an action plan to implement those
15 recommendations with which the Administrator
16 concurs; and

17 “(C) a justification for each recommenda-
18 tion the Administrator rejects.

19 “(6) CONGRESSIONAL NOTIFICATION.—Not
20 later than 30 days after providing written feedback
21 to the Advisory Committee under paragraph (5), the
22 Administrator shall—

23 “(A) notify the Committee on Commerce,
24 Science, and Transportation of the Senate and

1 the Committee on Homeland Security of the
2 House of Representatives of such feedback; and

3 “(B) provide such committees with a brief-
4 ing upon request.

5 “(7) UPDATES TO CONGRESS.—Not later than
6 90 days after the date of enactment of the Surface
7 Transportation and Maritime Security Act, and
8 quarterly thereafter until a recommendation is
9 closed, the Administrator shall submit a report to
10 Congress or post on a public website an update on
11 the status of recommendations included in the report
12 under paragraph (4).

13 “(8) WEBSITE.—The Administrator shall main-
14 tain a public website that—

15 “(A) lists the members of the Advisory
16 Committee;

17 “(B) provides the contact information for
18 the Advisory Committee; and

19 “(C) provides minutes of meetings, rec-
20 ommendations, and other relevant documents,
21 as appropriate.

22 “(c) MEMBERSHIP.—

23 “(1) COMPOSITION.—The Advisory Committee
24 shall be composed of—

1 “(A) voting members appointed by the Ad-
 2 ministrator under paragraph (2); and

3 “(B) nonvoting members, serving in an ad-
 4 visory capacity, who shall be designated by—

5 “(i) the Transportation Security Ad-
 6 ministration;

7 “(ii) the Department of Transpor-
 8 tation;

9 “(iii) the Coast Guard; and

10 “(iv) such other Federal department
 11 or agency with regulatory authority over a
 12 mode of surface transportation or maritime
 13 as the Administrator considers appro-
 14 priate.

15 “(2) APPOINTMENT.—The Administrator shall
 16 appoint voting members from among stakeholders
 17 representing passenger rail, freight rail, mass tran-
 18 sit, pipelines, highways, over-the-road bus and truck-
 19 ing, and port and maritime industries, including rep-
 20 resentatives from—

21 “(A) associations representing such surface
 22 transportation or maritime modes;

23 “(B) labor organizations representing such
 24 surface transportation or maritime modes;

1 “(C) groups representing the users of such
 2 surface transportation or maritime modes, in-
 3 cluding shippers and asset manufacturers, as
 4 appropriate;

5 “(D) relevant law enforcement, first re-
 6 sponders, and security experts; and

7 “(E) such other groups as the Adminis-
 8 trator considers appropriate.

9 “(3) TERM OF OFFICE.—

10 “(A) TERMS.—

11 “(i) IN GENERAL.—The term of each
 12 voting member of the Advisory Committee
 13 shall be 2 years, but a voting member may
 14 continue to serve until the Administrator
 15 appoints a successor.

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

19 “(B) REMOVAL.—The Administrator may
 20 review the participation of a member of the Ad-
 21 visory Committee and remove such member for
 22 cause at any time.

23 “(4) PROHIBITION ON COMPENSATION.—The
 24 members of the Advisory Committee shall not re-

1 ceive any compensation from the Government by
2 reason of their service on the Advisory Committee.

3 “(5) MEETINGS.—

4 “(A) IN GENERAL.—The Administrator
5 shall require the Advisory Committee to meet at
6 least semiannually in person or through Web
7 conferencing and may convene additional meet-
8 ings as necessary.

9 “(B) PUBLIC MEETINGS.—At least one of
10 the meetings of the Advisory Committee each
11 year shall be—

12 “(i) announced in the Federal Reg-
13 ister;

14 “(ii) announced on a public website;
15 and

16 “(iii) open to the public.

17 “(C) ATTENDANCE.—The Advisory Com-
18 mittee shall maintain a record of the persons
19 present at each meeting.

20 “(D) MINUTES.—

21 “(i) IN GENERAL.—Unless otherwise
22 prohibited by other Federal law, minutes
23 of the meetings shall be published on the
24 public website required under subsection
25 (b)(8).

1 “(ii) PROTECTION OF CLASSIFIED
2 AND SENSITIVE INFORMATION.—The Advi-
3 sory Committee may redact or summarize,
4 as necessary, minutes of the meetings to
5 protect classified or other sensitive infor-
6 mation in accordance with law.

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

9 “(A) DETERMINATIONS.—Not later than
10 60 days after the date on which a voting mem-
11 ber is appointed to the Advisory Committee, the
12 Administrator shall determine if the voting
13 member should be restricted from reviewing,
14 discussing, or possessing sensitive security in-
15 formation.

16 “(B) ACCESS.—If a voting member is not
17 restricted from possessing sensitive security in-
18 formation under subparagraph (A) and volun-
19 tarily signs a nondisclosure agreement, the vot-
20 ing member may be granted access to sensitive
21 security information that is relevant to the vot-
22 ing member’s service on the Advisory Com-
23 mittee. Access to classified materials shall be
24 managed under the requirements set forth in

1 section 503.59 of title 46, Code of Federal Reg-
2 ulations.

3 “(C) PROTECTION OF SSI.—Voting mem-
4 bers shall protect sensitive security information
5 in accordance with part 1520 of title 49, Code
6 of Federal Regulations.

7 “(D) PROTECTION OF CLASSIFIED INFOR-
8 MATION.—Voting members shall protect classi-
9 fied information in accordance with the applica-
10 ble requirements for the particular level of clas-
11 sification.

12 “(7) CHAIRPERSON.—The Advisory Committee
13 shall select a chairperson from among its voting
14 members.

15 “(8) RISK-BASED SECURITY.—The Advisory
16 Committee shall consider risk-based security ap-
17 proaches in the performance of its functions.

18 “(9) JOINT COMMITTEE MEETINGS.—The Advi-
19 sory Committee may meet with the Aviation Security
20 Advisory Committee established under section 44946
21 of title 49, United States Code, to discuss
22 multimodal security issues and other security-related
23 issues of common concern.

24 “(10) SUBJECT MATTER EXPERTS.—The Advi-
25 sory Committee may request the assistance of sub-

1 ject matter experts with expertise related to the ju-
2 risdiction of the Advisory Committee.”.

3 (b) ADVISORY COMMITTEE MEMBERS.—

4 (1) VOTING MEMBERS.—Not later than 180
5 days after the date of enactment of this Act, the Ad-
6 ministrator shall appoint the voting members of the
7 Surface Transportation and Maritime Security Advi-
8 sory Committee established pursuant to section 404
9 of the Homeland Security Act of 2002, as added by
10 subsection (a). The voting members shall consist of
11 representatives of each surface transportation mode
12 and the maritime mode.

13 (2) NONVOTING MEMBERS.—Not later than 90
14 days after the date of enactment of this Act, each
15 Federal Government department and agency with
16 regulatory authority over a mode of surface trans-
17 portation or maritime, as the Administrator con-
18 siders appropriate, shall designate an appropriate
19 representative to serve as a nonvoting member of the
20 Surface Transportation and Maritime Security Advi-
21 sory Committee.

22 (c) TABLE OF CONTENTS.—The table of contents in
23 section 1(b) of the Homeland Security Act of 2002 (Public
24 Law 107–296; 116 Stat. 2135) is amended by inserting
25 after the item relating to section 403 the following:

“Sec. 404. Surface Transportation and Maritime Security Advisory Committee.”.

1 **SEC. 9. REVIEW OF EXPLOSIVES DETECTION CANINE TEAM**
2 **PROGRAM.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Inspector General of the Department
5 shall—

6 (1) review—

7 (A) the Transportation Security Adminis-
8 tration’s deployment strategy for explosive de-
9 tection canine teams, including consideration of
10 whether the Administration’s analysis of risk to
11 transportation facilities and transportation sys-
12 tems is appropriate;

13 (B) the canine training, handler training,
14 ongoing training, and updates to such training;
15 and

16 (C) the use of the assets during high
17 threat periods, including the reallocation of Na-
18 tional Explosives Detection Canine Team Pro-
19 gram resources during high threat periods; and

20 (2) submit to Congress a report on the review,
21 including any recommendations on the appropriate
22 number of canine assets needed to enhance security
23 at high-risk facilities, such as high volume passenger
24 transportation systems and facilities.

1 **SEC. 10. EXPLOSIVE DETECTION TECHNOLOGY.**

2 The Secretary, in coordination with the Director of
3 the National Institute of Standards and Technology, shall
4 research and facilitate next generation technologies to de-
5 tect explosives in transportation systems and transpor-
6 tation facilities.

7 **SEC. 11. EXPANSION OF NATIONAL EXPLOSIVES DETEC-**
8 **TION CANINE TEAM PROGRAM.**

9 (a) DEFINITIONS.—In this section, the term “explo-
10 sives detection canine team” means a canine and a canine
11 handler that are trained to detect explosives, radiological
12 materials, chemical, nuclear or biological weapons, or
13 other threats as defined by the Secretary.

14 (b) IN GENERAL.—The Secretary may encourage
15 State, local, and tribal governments and private owners
16 of high-risk transportation facilities to strengthen security
17 through the use of explosives detection canine teams.

18 (c) INCREASED CAPACITY.—

19 (1) IN GENERAL.—Before the date the Inspec-
20 tor General of the Department submits the report
21 under section 9, the Secretary may increase the
22 number of State and local maritime and surface
23 transportation canines by not more than 70 explo-
24 sives detection canine teams.

25 (2) ADDITIONAL TEAMS.—Beginning on the
26 date the Inspector General of the Department sub-

mits the report under section 9, the Secretary may incrementally increase the number of additional explosives detection canine teams described in paragraph (1) to not more than 200 more than are in service on the date of enactment of this Act or to not more than the total number of additional explosive detection canine teams recommended by the Inspector General in that report, whichever is less.

(d) DEPLOYMENT.—The Secretary shall—

(1) use the additional explosives detection canine teams as part of the Department’s efforts to strengthen security across the Nation’s surface and maritime transportation networks;

(2) make available explosives detection canine teams to all modes of transportation, subject to the requirements under section 7, for high-risk areas or to address specific threats, on an as-needed basis and as otherwise determined appropriate by the Secretary; and

(3) consider specific needs and training requirements for explosives detection canine teams to be deployed across the Nation’s surface transportation network, including in venues of multiple modes of transportation, as the Secretary considers appropriate.

1 (e) AUTHORIZATION.—There are authorized to be ap-
 2 propriated to the Secretary such sums as may be nec-
 3 essary to carry out this section for each of fiscal years
 4 2016 through 2020.

5 **SEC. 12. STUDY ON SECURITY STANDARDS AND PRACTICES**
 6 **FOR MASS TRANSIT AND PASSENGER RAIL.**

7 (a) SECURITY STANDARDS AND PRACTICES FOR
 8 MASS TRANSIT AND PASSENGER RAIL.—The Comptroller
 9 General of the United States shall conduct a study that
 10 compares and develops best practices, including cybersecu-
 11 rity, relating to the security standards and practices re-
 12 lated to mass transit, passenger rail networks, and public
 13 areas of other transportation systems employed by the
 14 Transportation Security Administration, Amtrak, State
 15 and local governments, operators of mass transit and pas-
 16 senger rail services, and relevant entities in foreign coun-
 17 tries.

18 (b) REPORT.—Not later than 18 months after the
 19 date of enactment of this Act, the Comptroller General
 20 shall issue a report that contains—

- 21 (1) the findings of the study conducted under
- 22 subsection (a); and
- 23 (2) any recommendations on changes regarding
- 24 security standards and practices to secure mass

1 transit and passenger rail networks against terrorist
2 threats.

3 **SEC. 13. RAIL SECURITY SERVICES.**

4 (a) RAIL SECURITY SERVICES.—The Comptroller
5 General shall conduct a study of rail security provided by
6 the Transportation Security Administration to rail carrier
7 and mass transit systems.

8 (b) REQUIREMENTS.—In conducting the study under
9 subsection (a), the Comptroller General shall—

10 (1) assess the effectiveness of the the Adminis-
11 tration and stakeholders in improving the security of
12 rail and mass transit surface transportation;

13 (2) assess the Administration's and stake-
14 holders' projected needs and associated costs, includ-
15 ing funding and personnel, to improve and address
16 security threats for the security of rail and mass
17 transit surface transportation; and

18 (3) assess the preparedness of high-risk surface
19 transportation facilities to prevent and respond to
20 security threats.

21 (c) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Comptroller General
23 shall issue a report that contains the findings of the study
24 conducted under subsection (a).

1 **SEC. 14. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

2 (a) RAILROAD SECURITY ASSISTANCE.—Section
3 1513(b) of the Implementing Recommendations of the
4 9/11 Commission Act of 2007 (6 U.S.C. 1163(b)) is
5 amended—

6 (1) in paragraph (1), by striking the period at
7 the end and inserting “including communications
8 interoperability where appropriate with relevant out-
9 side agencies and entities.”;

10 (2) in paragraph (5), by striking “security of”
11 and inserting “security and preparedness of”;

12 (3) in paragraph (7), by striking “security
13 threats” and inserting “security threats and pre-
14 paredness, including connectivity to the National
15 Terrorist Screening Center”; and

16 (4) in paragraph (9), by striking “and security
17 officers” and inserting “, security, and preparedness
18 officers”.

19 (b) SPECIFIC PROJECTS.—Section 1514(a)(3) of the
20 Implementing Recommendations of the 9/11 Commission
21 Act of 2007 (6 U.S.C. 1164(a)(3)) is amended—

22 (1) in subparagraph (D) by inserting “, or to
23 connect to the National Terrorism Screening Center
24 watchlist” after “Secretary”;

25 (2) in subparagraph (G), by striking “; and” at
26 the end and inserting a semicolon;

1 (3) in subparagraph (H) by striking the period
2 at the end and inserting a semicolon; and

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

4 “(I) for improvements to passenger
5 verification systems; and

6 “(J) for improvements to employee and
7 contractor verification systems, including iden-
8 tity verification technology.”.

9 **SEC. 15. PASSENGER RAIL VETTING.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date on which the Amtrak Chief of Police and the Amtrak
12 Board of Directors jointly submit a request to the Admin-
13 istrator, the Administrator shall issue a decision on the
14 use by Amtrak of the Transportation Security Administra-
15 tion’s Secure Flight Program or a similar passenger vet-
16 ting system to enhance passenger rail security.

17 (b) STRATEGIC PLAN.—The decision under sub-
18 section (a) shall include a strategic plan for working with
19 rail stakeholders to enhance passenger rail security by vet-
20 ting passengers using terrorist watch lists maintained by
21 the Federal Government or a similar passenger vetting
22 system maintained by the Transportation Security Admin-
23 istration.

1 **SEC. 16. SURFACE TRANSPORTATION INSPECTORS.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall submit a report to Congress that—

5 (1) identifies the roles and responsibilities of
6 surface transportation security inspectors authorized
7 under section 1304 of the Implementing Rec-
8 ommendations of the 9/11 Commission Act of 2007
9 (6 U.S.C. 1113);

10 (2) determines the extent to which the Trans-
11 portation Security Administration has used a risk-
12 based, strategic approach to determine the appro-
13 priate number of surface transportation security in-
14 spectors and resource allocation across surface
15 transportation modes and field offices;

16 (3) determines if the Transportation Security
17 Administration's surface transportation policies and
18 regulations are risk-based;

19 (4) determines whether opportunities exist to
20 improve risk-based policies and regulations;

21 (5) determines whether surface transportation
22 security inspectors—

23 (A) have appropriate qualifications to help
24 secure and inspect surface transportation sys-
25 tems; and

1 (B) have adequate experience and training
2 to perform the responsibilities identified under
3 paragraph (1);

4 (6) evaluates feedback from regulated surface
5 transportation industry stakeholders on the effective-
6 ness of surface transportation security inspectors
7 and inspection programs to the overall security of
8 the surface transportation systems of such stake-
9 holders;

10 (7) evaluates the consistency of surface trans-
11 portation inspections and regulatory enforcement;

12 (8) identifies any duplication or redundancy be-
13 tween the Transportation Security Administration
14 and the Department of Transportation relating to
15 surface transportation security inspections or over-
16 sight; and

17 (9) provides recommendations, if any, relating
18 to—

19 (A) the risk-based use of inspection re-
20 sources for security enhancement in surface and
21 maritime transportation; and

22 (B) improvements to the Transportation
23 Security Administration's Surface Transpor-
24 tation Security Inspection Program, including
25 changes in organizational and supervisory

1 structures and coordination procedures to en-
2 hance consistency and effectiveness in inspec-
3 tion and compliance activities.

4 **SEC. 17. TRANSPORTATION WORKER IDENTIFICATION CRE-**
5 **DENTIAL IMPROVEMENTS AND ASSESSMENT.**

6 (a) CREDENTIAL IMPROVEMENTS.—

7 (1) IN GENERAL.—Not later than 60 days after
8 the date of enactment of this Act, the Administrator
9 shall establish a process to improve background
10 checks and terrorism vetting processes that in-
11 cludes—

12 (A) establishing an entity within the Office
13 of Intelligence and Analysis to provide guidance
14 on security threat assessment processes;

15 (B) conducting a comprehensive risk anal-
16 ysis of the security threat assessment processes
17 to identify areas needing additional internal
18 controls and quality assurance procedures and
19 implementing those procedures;

20 (C) improving fraud detection techniques,
21 such as—

22 (i) establishing benchmarks and a
23 process for electronic document validation;

24 (ii) requiring annual training for
25 Trusted Agents; and

1 (iii) establishing a process to review
2 and analyze additional information pro-
3 vided by Trusted Agents during the review
4 process;

5 (D) updating guidance and finalizing a
6 manual for Trusted Agents and adjudicators to
7 ensure clear guidance on processes and regula-
8 tions; and

9 (E) establishing quality controls to ensure
10 consistent procedures to review adjudication de-
11 cisions and terrorism vetting decisions.

12 (2) REPORT.—Not later than 2 years after the
13 date of enactment of this Act, the Inspector General
14 of the Department shall submit a report to Congress
15 that evaluates the implementation of the improve-
16 ments described in paragraph (1).

17 (b) COMPREHENSIVE SECURITY ASSESSMENT OF
18 THE TRANSPORTATION SECURITY CARD PROGRAM.—

19 (1) IN GENERAL.—Not later than 60 days after
20 the date of enactment of this Act, the Secretary
21 shall commission an assessment of the effectiveness
22 of the transportation security card program (re-
23 ferred to in this section as the “Program”) required
24 under section 70105 of title 46, United States Code,
25 at enhancing security and reducing security risks for

1 facilities and vessels regulated under chapter 701 of
2 such title.

3 (2) LOCATION.—The assessment commissioned
4 under paragraph (1) shall be conducted by a re-
5 search organization with significant experience in
6 port or maritime security, such as—

7 (A) a national laboratory;

8 (B) a university-based center within the
9 Science and Technology Directorate’s centers of
10 excellence network; or

11 (C) a qualified federally funded research
12 and development center.

13 (3) CONTENTS.—The assessment commissioned
14 under paragraph (1) shall—

15 (A) review the credentialing process by de-
16 termining—

17 (i) the appropriateness of vetting
18 standards;

19 (ii) whether the fee structure ade-
20 quately reflects the current costs of vet-
21 ting;

22 (iii) whether there is unnecessary re-
23 dundancy or duplication with other
24 Federal- or State-issued transportation se-
25 curity credentials; and

1 (iv) the appropriateness of having var-
2 ied Federal and State threat assessments
3 and access controls;

4 (B) review the process for renewing appli-
5 cations for Transportation Worker Identifica-
6 tion Credentials, including the number of days
7 it takes to review application, appeal, and waiv-
8 er requests for additional information; and

9 (C) review the security value of the Pro-
10 gram by—

11 (i) evaluating the extent to which the
12 Program, as implemented, addresses
13 known or likely security risks in the mari-
14 time and port environments;

15 (ii) evaluating the potential for a non-
16 biometric credential alternative;

17 (iii) identifying the technology, busi-
18 ness process, and operational impacts of
19 the use of the transportation security card
20 and transportation security card readers in
21 the maritime and port environments;

22 (iv) assessing the costs and benefits of
23 the Program, as implemented; and

24 (v) evaluating the extent to which the
25 Secretary has addressed the deficiencies in

1 the Program identified by the Government
2 Accountability Office and the Inspector
3 General of the Department before the date
4 of enactment of this Act.

5 (4) DEADLINES.—The assessment commis-
6 sioned under paragraph (1) shall be completed not
7 later than 1 year after the date on which the assess-
8 ment is commissioned.

9 (c) CORRECTIVE ACTION PLAN; PROGRAM RE-
10 FORMS.—If the assessment commissioned under sub-
11 section (b) identifies a deficiency in the effectiveness of
12 the Program, the Secretary, not later than 60 days after
13 the date on which the assessment is completed, shall sub-
14 mit a corrective action plan to the Committee on Com-
15 merce, Science, and Transportation of the Senate, the
16 Committee on Homeland Security of the House of Rep-
17 resentatives, and the Committee on Transportation and
18 Infrastructure of the House of Representatives that—

19 (1) responds to findings of the assessment;

20 (2) includes an implementation plan with
21 benchmarks;

22 (3) may include programmatic reforms, revi-
23 sions to regulations, or proposals for legislation; and

24 (4) shall be considered in any rulemaking by
25 the Department relating to the Program.

1 (d) INSPECTOR GENERAL REVIEW.—If a corrective
2 action plan is submitted under subsection (c), the Inspec-
3 tor General of the Department shall—

4 (1) not later than 120 days after such submis-
5 sion, review the extent to which such plan imple-
6 ments the requirements under subsection (c); and

7 (2) not later than 18 months after such submis-
8 sion, and annually thereafter for the subsequent 3
9 years, submit a report to the congressional commit-
10 tees set forth in subsection (c) that describes the
11 progress of the implementation of such plan.

12 **SEC. 18. MILITARY PRIORITY FOR TWIC APPLICATIONS.**

13 (a) DEFINITION OF ELIGIBLE SERVICE MEMBER.—
14 In this section, the term “eligible service member” means
15 a member of the Armed Forces who is a member of the
16 reserves or is undergoing separation, discharge, or release
17 from the Armed Forces under honorable conditions during
18 the period of effectiveness.

19 (b) PRIORITY PROCESSING OF CERTAIN TWIC AP-
20 PPLICATIONS.—

21 (1) IN GENERAL.—Subject to subsections (c)
22 and (d), and not later than 180 days after the date
23 of enactment of this Act, the Secretary, in consulta-
24 tion with the Secretary of Defense, shall develop a
25 process to prioritize review of an application for a

1 Transportation Worker Identification Credential
2 submitted by an eligible service member.

3 (2) REQUIREMENT.—The review and adjudica-
4 tion of an application under paragraph (1) shall be
5 completed not later than 14 days after the date on
6 which the application is submitted unless—

7 (A) an application is subject to an appeal;

8 or

9 (B) the Secretary determines that further
10 documentation is necessary.

11 (c) PROCESSING TIMES.—The priority processing of
12 applications described in subsection (b)(1) shall be imple-
13 mented and remain in place whenever the average proc-
14 essing time for an application for a Transportation Work-
15 er Identification Credential exceeds 30 days.

16 (d) MEMORANDUM OF UNDERSTANDING.—The Sec-
17 retary and the Secretary of Defense shall enter into a
18 memorandum of understanding that describes the priority
19 processing of Transportation Worker Identification Cre-
20 dential applications under subsection (b).

21 (e) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Secretary shall submit a re-
23 port to the Committee on Commerce, Science, and Trans-
24 portation of the Senate and the Committee on Homeland
25 Security of the House of Representatives that—

1 (1) includes a copy of the memorandum of un-
2 derstanding described in subsection (d);

3 (2) identifies the number of days in which the
4 average processing time for an application for a
5 Transportation Worker Identification Credential ex-
6 ceeded 30 days;

7 (3) describes—

8 (A) the number of eligible service members
9 who submitted an application under subsection
10 (b); and

11 (B) the number of eligible service members
12 described in subparagraph (A) who received a
13 Transportation Worker Identification Creden-
14 tial; and

15 (4) for any application submitted under sub-
16 section (b)(1) that was not completed before the
17 deadline described in subsection (b)(2)—

18 (A) the reason the application was not
19 completed before such deadline; and

20 (B) a description of the actions that will be
21 taken to ensure such applications are completed
22 before such deadline.

1 **SEC. 19. VOLUNTARY ADOPTION OF TRANSPORTATION**
 2 **WORKER IDENTIFICATION CREDENTIAL.**

3 Section 520 of the Department of Homeland Security
 4 Appropriations Act, 2004 (6 U.S.C. 469) is amended by
 5 adding at the end the following:

6 “(c) APPLICATION.—In this section, individuals en-
 7 gaged in the field of transportation shall include—

8 “(1) individuals required to obtain a transpor-
 9 tation worker identification credential under section
 10 101.514 of title 33, Code of Federal Regulations;

11 “(2) individuals required to obtain a hazardous
 12 materials endorsement on a commercial driver’s li-
 13 cense issued by a State under section 5103a of title
 14 49, United States Code; and

15 “(3) personnel at a facility that engages in
 16 loading, unloading, handling, or storage incidental to
 17 transportation who are subject to background checks
 18 under section 27.230(a)(12) of title 6, Code of Fed-
 19 eral Regulations.”.

20 **SEC. 20. CARGO CONTAINER SCANNING TECHNOLOGY RE-**
 21 **VIEW.**

22 (a) DESIGNATIONS.—

23 (1) IN GENERAL.—Not later than 1 year after
 24 the date of enactment of this Act, and not less fre-
 25 quently than once every 5 years thereafter until the
 26 date of full-scale implementation of 100 percent

1 screening of cargo containers and 100 percent scan-
2 ning of high-risk containers required under section
3 232 of the SAFE Port Act (6 U.S.C. 982), the Sec-
4 retary shall solicit proposals for scanning tech-
5 nologies, consistent with the standards under sub-
6 section (b)(8) of that section, to improve screening
7 of cargo at domestic ports.

8 (2) EVALUATION.—In soliciting proposals under
9 paragraph (1), the Secretary shall establish meas-
10 ures to assess the performance of the proposed scan-
11 ning technologies, including—

12 (A) the rate of false positives;

13 (B) the delays in processing times; and

14 (C) the impact on the supply chain.

15 (b) PILOT PROGRAM.—

16 (1) ESTABLISHMENT.—The Secretary may es-
17 tablish a pilot program to determine the efficacy of
18 a scanning technology referred to in subsection (a).

19 (2) APPLICATION PROCESS.—In carrying out
20 the pilot program under this subsection, the Sec-
21 retary shall—

22 (A) solicit applications from domestic
23 ports; and

24 (B) select up to 4 domestic ports to par-
25 ticipate in the pilot program.

1 (c) REPORT.—Not later than 1 year after initiating
2 a pilot program under subsection (b), the Secretary shall
3 submit a report on the pilot program to the Committee
4 on Commerce, Science, and Transportation of the Senate
5 and the Committee on Homeland Security of the House
6 of Representatives that includes—

7 (1) an evaluation of the scanning technologies
8 proposed to improve security at domestic ports and
9 to meet the full-scale implementation requirement;

10 (2) the costs to implement a pilot program;

11 (3) the benefits of the proposed scanning tech-
12 nologies;

13 (4) the impact of the pilot program on the sup-
14 ply chain; and

15 (5) recommendations for implementation of ad-
16 vanced cargo scanning technologies at domestic
17 ports.

18 (d) SHARING PILOT PROGRAM TESTING RESULTS.—
19 The results of the pilot testing of advanced cargo screen-
20 ing technologies shall be shared, as appropriate, with gov-
21 ernment agencies and private stakeholders whose respon-
22 sibilities encompass the secure transport of cargo.

1 **SEC. 21. BACKGROUND RECORDS CHECKS FOR ISSUANCE**
 2 **OF HAZMAT LICENSES.**

3 Section 5103a(d) of title 49, United States Code, is
 4 amended by adding at the end the following:

5 “(3) **TRANSPORTATION SECURITY CARD.**—An
 6 individual who holds a valid transportation security
 7 card issued by the Secretary of the department in
 8 which the Coast Guard is operating under section
 9 70105 of title 46 shall be deemed to have met the
 10 background records check required under this sub-
 11 section.”.

12 **SEC. 22. REPEAL OF BIENNIAL REPORTING REQUIREMENT**
 13 **FOR THE GOVERNMENT ACCOUNTABILITY**
 14 **OFFICE RELATING TO THE TRANSPORTATION**
 15 **SECURITY INFORMATION SHARING PLAN.**

16 (a) **IN GENERAL.**—Section 114 of title 49, United
 17 States Code, is amended—

18 (1) by redesignating subsections (u), (v), and
 19 (w) as subsections (t), (u), and (v), respectively; and

20 (2) in subsection (t), as redesignated—

21 (A) in paragraph (1)(A), by striking “sub-
 22 section (t)” and inserting “subsection (s)”;

23 (B) by striking paragraph (7); and

24 (C) by redesignating paragraphs (8) and
 25 (9) as paragraphs (7) and (8), respectively.

26 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

1 (1) TRANSPORTATION SECURITY STRATEGIC
2 PLANNING.—Section 114(s)(3)(B) of title 49, United
3 States Code, is amended by striking “2007” and in-
4 serting “2007)”.

5 (2) CONGRESSIONAL OVERSIGHT OF SECURITY
6 ASSURANCE FOR PUBLIC AND PRIVATE STAKE-
7 HOLDERS.—Section 1203(b)(1)(B) of the Imple-
8 menting Recommendations of the 9/11 Commission
9 Act of 2007 (49 U.S.C. 114 note) is amended by
10 striking “, under section 114(u)(7) of title 49,
11 United States Code, as added by this section, or oth-
12 erwise,”.

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