

transportation modes, and a feasibility assessment of utilizing security technologies for surface transportation assets.

Furthermore, the bill requires TSA to disseminate best practices for enhancing security against vehicle-based terrorist attacks and authorizes a surface-focused Innovation Task Force.

Finally, the bill requires a threat assessment of certain security technologies tied to foreign countries and a strategy for TSA's surface transportation inspectors. In the face of emerging threats, it is imperative that Congress ensure TSA is adequately executing its mission to protect all transportation modes, not just aviation.

I thank the ranking member of the Subcommittee on Transportation and Protective Security, Mrs. WATSON COLEMAN, for authoring this legislation, as well as the chairman of the subcommittee, Mr. KATKO, for his support and leadership on this issue.

Mr. Speaker, I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5131, the Surface Transportation Security Improvement Act of 2018.

Mr. Speaker, the Nation's surface transportation systems are central to Americans' daily life. Subways, buses, trains, and pipelines move millions of people and goods every day. Given their criticality, it is no surprise that terrorists have targeted these systems for attack. In recent years, attacks overseas have proven lethal, even more so, on average, than attacks against aviation. In December 2017, the threat against these systems hit home when a would-be attacker detonated a bomb within New York City's Port Authority Bus Terminal subway station.

My bill, H.R. 5131, would require the Department of Homeland Security to take meaningful steps to address this emerging threat. First, it would require TSA to take a more comprehensive approach to transportation threats when it comes to assessing risk and setting strategies and priorities. Second, it would require TSA to take a hard look at integrating new technologies and security measures into mass transit and other surface transportation systems.

Importantly, H.R. 5131 also would require DHS to assess cyber threats posed by foreign technologies and to disseminate best practices for securing transportation systems against vehicle-based attacks, such as the truck attack we witnessed in New York City last October.

Finally, it would require TSA to develop a risk-based strategy for its surface inspectors and answer to Congress for its failure to issue long overdue regulations that are required by the Implementing Recommendations of the 9/11 Commission Act of 2007.

Consideration of H.R. 5131 today is timely, given the cuts to surface trans-

portation security programs proposed by the President in both the fiscal year 2018 and 2019 budgets.

Mr. Speaker, I urge my colleagues to support this measure to improve surface transportation security.

In closing, as we have seen around the world, the threats to surface transportation systems are real and evolving. A major attack on any one system could be devastating and result in significant loss of life. My bill will push TSA to increase and enhance its efforts to secure these critical systems.

Mr. Speaker, I strongly encourage my colleagues to support this. I appreciate the support from my colleague and the support from Mr. KATKO.

Mr. Speaker, I yield back the balance of my time.

Mr. BACON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I want to commend the gentlewoman from New Jersey's work on this bill and Mr. KATKO, the chairman of the subcommittee.

This is obviously very important. Airports aren't the only target. We have bus transportation, we have seen those targeted in Europe; our rail centers are also targets. We have seen that in Europe, and we have seen indications of those attacks being planned here as well.

Once again, Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 5131, the "Surface Transportation Security Improvement Act of 2018," which would increase the nation's readiness to deal with national security threats.

H.R. 5131 requires the Government Accountability Office to review the effectiveness of the Transportation Security Administration's Biennial National Strategy for Transportation Security.

H.R. 5131 would also require the Department of Homeland Security to develop risk-based priorities across all transportation modes.

This would be informed by analysis of terrorist attack scenarios for each mode of transportation.

The work directly under this will also include cyber-attack scenarios, which poses an increasing threat to the well-being of our public and private infrastructures.

H.R. 5131 requires DHS to explain overdue surface transportation security rulemakings and the Inspector General to review DHS's explanations, and report on its findings.

It directs DHS to conduct a feasibility assessment of introducing next generation technologies to detect threats to surface transportation systems.

DHS would also disseminate best practices for enhancing transportation security against the threat of vehicle-based attacks.

The bill also requires DHS to conduct and report to Congress on a survey of surface transportation stakeholders regarding resource challenges, including the availability of Federal funding and specific unmet needs.

It authorizes a TSA task force to identify and develop innovative technologies and capabilities to enhance transportation security, including surface transportation security.

It also directs DHS to assess the threats posed by the use of security technologies developed or manufactured by firms owned or closely linked to the governments of countries known to pose cyber or homeland security threats.

This is extremely important given the ongoing threats to our democracy from a rising number of malevolent global actors, including North Korea and Russia.

Finally, the bill requires the TSA to develop a strategy to guide surface transportation security inspector operations, which would be subject to GAO review.

In sum, H.R. 5131 enhances TSA's surface transportation security operations across a range of activities, while taking into consideration the role of computers in the modernization of our nation's transportation systems.

I urge my colleagues to join me in voting for this measure.

The SPEAKER pro tempore (Mr. ESTES of Kansas). The question is on the motion offered by the gentleman from Nebraska (Mr. BACON) that the House suspend the rules and pass the bill, H.R. 5131, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BACON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

STRENGTHENING AVIATION SECURITY ACT OF 2018

Mr. BACON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4467) to require the Federal Air Marshal Service to utilize risk-based strategies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Aviation Security Act of 2018".

SEC. 2. USE OF RISK-BASED STRATEGIES BY FEDERAL AIR MARSHAL SERVICE.

(a) IN GENERAL.—Subsection (a) of section 44917 of title 49, United States Code, is amended—

(1) in paragraph (7), by striking "and" after the semicolon at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(9) shall require the Federal Air Marshal Service to utilize a risk-based strategy when allocating resources between international and domestic flight coverage, including when initially setting its annual target numbers of average daily international and domestic flights to cover;

"(10) shall require the Federal Air Marshal Service to utilize a risk-based strategy to support domestic allocation decisions;

"(11) shall require the Federal Air Marshal Service to utilize a risk-based strategy to

support international allocation decisions; and

“(12) shall ensure that the seating arrangements of Federal air marshals on aircraft are determined in a manner that is risk-based and most capable of responding to current threats to aviation security.”.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report that describes the compliance of the Federal Air Marshal Service with the requirements specified in paragraphs (9) through (12) of subsection (a) of section 44917 of title 49, United States Code, as added by this Act, and the documented methodology used by the Federal Air Marshal Service to conduct risk assessments in accordance with such paragraphs.

(c) EFFECTIVE DATE.—The Transportation Security Administration shall begin carrying out the requirements specified in paragraphs (9) through (12) of subsection (a) of section 44917, United States Code, added by this Act, by not later than the date that is 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BACON) and the gentleman from New Jersey (Mrs. WATSON COLEMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska.

□ 1700

GENERAL LEAVE

Mr. BACON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BACON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4467, the Strengthening Aviation Security Act of 2018.

Described by Chairman MCCAUL in his State of National Security Address as “the crown jewel of ISIS and other terrorist groups,” the American aviation industry remains a key target of terrorism.

The Transportation Security Administration has made great strides in securing commercial flights, but the threat of evolving terror tactics requires a comprehensive, multilateral approach informed by data collected from industry.

The TSA’s risk management strategy for passenger aviation security is characterized by a multilayered approach, whereby the TSA deploys a variety of security countermeasures to detect and deter threats.

Federal air marshals, also known as FAMs, are armed law enforcement officers deployed on passenger flights as part of the TSA’s comprehensive secu-

rity strategy to protect air passengers and crews against criminals and terrorists.

Due to the high volume of passenger flights and limited resources at the TSA, it is imperative that FAM deployment is risk-based and strategic in order to achieve the greatest security value. However, a recent GAO report from September 2017 found that the TSA does not measure data on the efficacy and deterrence value of FAMs.

Without viable metrics, it is impossible for the TSA to truly employ a calculated risk management strategy for passenger aviation security. Accordingly, the Strengthening Aviation Security Act of 2018 requires the Federal Air Marshal Service to utilize risk-based strategies for international and domestic flight coverage.

This bill ensures that FAMs are deployed in a manner that adds strategic value to the TSA’s multilayered security approach. As amended, the bill also requires the TSA to take their risk-based approach a step further by ensuring that FAMs are seated in tactical positions when deployed on the aircraft.

Strategic seating arrangements will provide FAMs with a distinct advantage in the event of a threat to aviation security and ensure that they are more relevant to the important mission for which they are tasked.

The Strengthening Aviation Security Act emphasizes the importance of intelligence-driven, risk-based decisions to make the best use of the Federal Air Marshal Service’s resources and personnel.

I thank the gentleman from Georgia (Mr. JODY B. HICE) for authoring this legislation, as well the chairman of the subcommittee, Mr. KATKO, for his work on this bill. Additionally, I wish to thank the chairman of the full committee, Mr. MCCAUL, for moving the bill through the committee process.

This bill will promote public confidence in the security of the Nation’s aviation system and ensure that armed Federal law enforcement officers are deployed on passenger flights, where they are most needed.

Mr. Speaker, I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4467, the Strengthening Aviation Security Act of 2018.

Mr. Speaker, it has been over 16 years since the September 11 terrorist attacks. Since that time, our transportation security systems have evolved in a number of ways, from the creation of the TSA to the hardening of cockpit doors. An important change to security has been the evolution of the Federal Air Marshal Service. Federal air marshals are armed law enforcement officers who are deployed on domestic and international passenger flights to protect passengers and crew against terrorist attacks.

On 9/11, the FAA employed a small number of Federal air marshals to serve as in-flight security on a small percentage of flights. After 9/11, the Federal Air Marshal Service expanded rapidly; and, in 2005, it was transferred to the TSA, where it operates today.

Today, air marshals contribute to aviation security by deploying on many domestic and international flights. They also help secure surface transportation systems and public airport areas as major participants in the TSA’s Visible Intermodal Prevention and Response—or VIPR—teams.

To ensure the continued effectiveness of the air marshals, H.R. 4467 requires the TSA to ensure that officers are deployed in a risk-based manner that is focused on maximizing effectiveness. As amended, the bill also ensures risk-based seating of air marshals on passenger aircraft to enable officers to respond effectively to security threats.

This is a sensible bill to improve aviation security, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BACON. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. JODY B. HICE), the sponsor of this bill.

Mr. JODY B. HICE of Georgia. Mr. Speaker, I rise in strong support of my bill, H.R. 4467, the Strengthening Aviation Security Act.

Mr. Speaker, last year, I learned that, while the Federal Air Marshal Service considers its travel budget and the number of personnel when determining which flights will be covered by air marshals, they do not consider risk.

This current system might maximize the number of flights covered by air marshals, but it does not ensure that the highest risk flights—those likely to be hijacked by a potential terrorist—would be covered by air marshals. The Strengthening Aviation Security Act would fix this flawed policy by requiring the Federal Air Marshal Service to incorporate risk in its deployment strategy in three ways:

First, this legislation requires the Federal Air Marshal Service to utilize a risk-based strategy when allocating resources between international and domestic flight coverage. Currently, the Federal Air Marshal Service does not account for risk when it sets its annual target numbers of average international and domestic flights to cover.

Second, this legislation requires the Federal Air Marshal Service to utilize a risk-based strategy to support domestic allocation decisions. Currently, these decisions are made based on the professional judgment of subject matter experts. Without documented risk assessments, the Federal Air Marshal Service cannot justify to the TSA, the Department of Homeland Security, or Congress why it chooses to deploy air marshals on certain flights and not on others.

Third, this legislation requires the Federal Air Marshal Service to utilize

a risk-based strategy to support international allocation decisions.

Shockingly, the Federal Air Marshal Service does not currently document the rationales for their international allocation decisions. Without this documentation, there is no verifiable method to determine whether the decisions are intelligence-driven, risk-based, or even in compliance with the TSA or DHS directives. Unless the Federal Air Marshal Service accounts for risk at every level of its deployment strategy, it cannot ensure that it is devoting its resources to cover the high-risk flights.

It is incumbent upon us in Congress to address any vulnerabilities to our national security and to enable our Federal agencies to effectively deter, detect, and disrupt any attacks planned by our enemies, and this legislation does just that.

I would like to thank Chairman MCCAUL and Chairman KATKO for their strong support of this legislation, and I urge all my colleagues to support this bill.

Mrs. WATSON COLEMAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the threats to aviation continue to require constant vigilance and effective security solutions.

The Federal Air Marshal Service does not have unlimited budgetary resources to deploy marshals on every passenger flight. As such, resources must be allocated based on risk. H.R. 4467 will help ensure that the TSA does just that, and I encourage my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. BACON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill makes total sense. If you are going to use Federal air marshals where they are needed most, it should be analytical and scientific-based so that we get the most bang for the buck.

Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BACON) that the House suspend the rules and pass the bill, H.R. 4467, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BACON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

STRENGTHENING LOCAL TRANSPORTATION SECURITY CAPABILITIES ACT OF 2018

Mr. BACON. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5089) to improve threat information sharing, integrated operations, and law enforcement training for transportation security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Local Transportation Security Capabilities Act of 2018”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **PUBLIC AND PRIVATE SECTOR STAKEHOLDERS.**—The term “public and private sector stakeholders” has the meaning given such term in section 114(u)(1)(C) of title 49, United States Code.

(2) **SURFACE TRANSPORTATION ASSET.**—The term “surface transportation asset” includes facilities, equipment, or systems used to provide transportation services by—

(A) a public transportation agency (as such term is defined in section 1402(5) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1131(5)));;

(B) a railroad carrier (as such term is defined in section 20102(3) of title 49, United States Code);

(C) an owner or operator of—

(i) an entity offering scheduled, fixed-route transportation services by over-the-road bus (as such term is defined in section 1501(4) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1151(4))); or

(ii) a bus terminal; or

(D) other transportation facilities, equipment, or systems, as determined by the Secretary.

(3) **TRANSPORTATION FACILITY.**—The term “transportation facility” means a bus terminal, intercity or commuter passenger rail station, airport, multi-modal transportation center, or other transportation facility, as determined by the Secretary of Homeland Security.

SEC. 3. THREAT INFORMATION SHARING.

(a) **PRIORITIZATION.**—The Secretary of Homeland Security shall prioritize the assignment of officers and intelligence analysts under section 210A of the Homeland Security Act of 2002 (6 U.S.C. 124h) from the Transportation Security Administration and, as appropriate, from 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.

(b) **INTELLIGENCE PRODUCTS.**—Officers and intelligence analysts assigned to locations with participating State, local, and regional fusion centers under this section shall participate in the generation and dissemination of transportation security intelligence products, with an emphasis on terrorist and other threats to surface transportation assets that—

(1) assist State, local, and tribal law enforcement agencies in deploying their resources, including personnel, most efficiently to help detect, prevent, investigate, apprehend, and respond to terrorist and other threats;

(2) promote more consistent and timely sharing of threat information among jurisdictions; and

(3) enhance the Department of Homeland Security’s situational awareness of such terrorist and other threats.

(c) **CLEARANCES.**—The Secretary of Homeland Security shall make available to appropriate owners and operators of surface transportation assets, and any other person that the Secretary determines appropriate to foster greater sharing of classified information relating to terrorist and other threats to surface transportation assets, the process of application for security clearances under Executive Order 13549 (75 Fed. Reg. 162; relating to a classified national security information program) or any successor Executive order.

SEC. 4. INTEGRATED AND UNIFIED OPERATIONS CENTERS.

(a) **FRAMEWORK.**—Not later than 120 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration, in consultation with the heads of other appropriate offices or components of the Department of Homeland Security, shall make available to public and private sector stakeholders a framework for establishing an integrated and unified operations center responsible for overseeing daily operations of a transportation facility that promotes coordination for responses to terrorism, serious incidents, and other purposes, as determined appropriate by the Administrator.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall report to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding the establishment and activities of integrated and unified operations centers at transportation facilities at which the Transportation Security Administration has a presence.

SEC. 5. LOCAL LAW ENFORCEMENT SECURITY TRAINING.

(a) **IN GENERAL.**—The Secretary of Homeland Security, in consultation with public and private sector stakeholders, may develop, through the Federal Law Enforcement Training Centers, a training program to enhance the protection, preparedness, and response capabilities of law enforcement agencies with respect to terrorism and other serious incidents at a surface transportation asset.

(b) **REQUIREMENTS.**—If the Secretary of Homeland Security develops the training program described in subsection (a), such training program shall—

(1) be informed by current information regarding terrorist tactics;

(2) include tactical instruction tailored to the diverse nature of the surface transportation asset operational environment; and

(3) prioritize training officers from law enforcement agencies that are eligible for or receive grants under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) and officers employed by railroad carriers that operate passenger service, including interstate passenger service.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BACON) and the gentlewoman from California (Ms. BARRAGÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska.

GENERAL LEAVE

Mr. BACON. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks and to include any extraneous material on the bill under consideration.