

Since the September 11 attacks, we have seen that raising public awareness about reporting suspicious activity can be effective at detecting, deterring, and combating terrorism in the homeland.

I encourage my colleagues to support H.R. 5094 to ensure that DHS strategically engages stakeholders to improve suspicious activity reporting.

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

Mr. KING of New York. Mr. Speaker, I again want to thank my colleague, Mr. LANGEVIN, for his bipartisan support on this legislation, as in so many other pieces of bipartisan legislation, and for the outstanding work he does on the subcommittee and the committee.

Mr. Speaker, I once again 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 New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 5094, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SURFACE TRANSPORTATION SECURITY AND TECHNOLOGY ACCOUNTABILITY ACT OF 2018

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5081) to amend the Homeland Security Act of 2002 to establish within the Transportation Security Administration the Surface Transportation Security Advisory Committee, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5081

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 “Surface Transportation Security and Technology Accountability Act of 2018”.

SEC. 2. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Title XVI of the Homeland Security Act of 2002 (6 U.S.C. 561 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle C—Surface Transportation Security
“SEC. 1621. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

“(a) ESTABLISHMENT.—The Administrator of the Transportation Security Administration (referred to in this section as the ‘Administrator’) shall establish within the Transportation Security Administration the Surface Transportation Security Advisory Committee (referred to in this section as the ‘Advisory Committee’).

“(b) DUTIES.—

“(1) IN GENERAL.—The Advisory Committee may advise, consult with, report to, and make recommendations to the Administrator on surface transportation security matters, including the development, refine-

ment, and implementation of policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.

“(2) RISK-BASED SECURITY.—The Advisory Committee shall consider risk-based security approaches in the performance of its duties.

“(c) MEMBERSHIP.—

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

“(A) voting members appointed by the Administrator under paragraph (2); and

“(B) nonvoting members, serving in an advisory capacity, who shall be designated by—

“(i) the Transportation Security Administration;

“(ii) the Department of Transportation; and

“(iii) such other Federal department or agency as the Administrator considers appropriate.

“(2) APPOINTMENT.—The Administrator shall appoint voting members from among stakeholders representing each mode of surface transportation, such as passenger rail, freight rail, mass transit, pipelines, highways, over-the-road bus, and trucking, including representatives from—

“(A) associations representing such modes of surface transportation;

“(B) labor organizations representing such modes of surface transportation;

“(C) groups representing the users of such modes of surface transportation, including asset manufacturers, as appropriate;

“(D) relevant law enforcement, first responders, and security experts; and

“(E) such other groups as the Administrator considers appropriate.

“(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its voting members.

“(4) TERM OF OFFICE.—

“(A) TERMS.—

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

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

“(B) REMOVAL.—

“(i) IN GENERAL.—The Administrator may review the participation of a member of the Advisory Committee and remove such member for cause at any time.

“(ii) ACCESS TO CERTAIN INFORMATION.—The Administrator may remove any member of the Advisory Committee who the Administrator determines should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

“(5) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee may not receive any compensation from the Government by reason of their service on the Advisory Committee.

“(6) MEETINGS.—

“(A) IN GENERAL.—The Advisory Committee shall meet at least semiannually in person or through web conferencing, and may convene additional meetings as necessary.

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

“(i) announced in the Federal Register;

“(ii) announced on a public website; and

“(iii) open to the public.

“(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.

“(D) MINUTES.—

“(i) IN GENERAL.—Unless otherwise prohibited by Federal law, minutes of the meetings of the Advisory Committee shall be pub-

lished on the public website under subsection (e)(5).

“(ii) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.—The Advisory Committee may redact or summarize, as necessary, minutes of the meetings to protect classified information or sensitive security information in accordance with law.

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

“(A) DETERMINATIONS.—Not later than 60 days after the date on which a voting member is appointed to the Advisory Committee but before such voting member may be granted any access to classified information or sensitive security information, the Administrator shall determine if such voting member should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

“(B) ACCESS.—

“(i) SENSITIVE SECURITY INFORMATION.—If a voting member is not restricted from reviewing, discussing, or possessing sensitive security information under subparagraph (A) and voluntarily signs a nondisclosure agreement, such voting member may be granted access to sensitive security information that is relevant to such voting member's service on the Advisory Committee.

“(ii) CLASSIFIED INFORMATION.—Access to classified materials shall be managed in accordance with Executive Order No. 13526 of December 29, 2009 (75 Fed. Reg. 707), or any subsequent corresponding Executive order.

“(C) PROTECTIONS.—

“(i) SENSITIVE SECURITY INFORMATION.—Voting members shall protect sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

“(ii) CLASSIFIED INFORMATION.—Voting members shall protect classified information in accordance with the applicable requirements for the particular level of classification of such information.

“(8) JOINT COMMITTEE MEETINGS.—The Advisory Committee may meet with one or more of the following advisory committees to discuss multimodal security issues and other security-related issues of common concern:

“(A) Aviation Security Advisory Committee, established under section 44946 of title 49, United States Code.

“(B) Maritime Security Advisory Committee, established under section 70112 of title 46, United States Code.

“(C) Railroad Safety Advisory Committee, established by the Federal Railroad Administration.

“(9) SUBJECT MATTER EXPERTS.—The Advisory Committee may request the assistance of subject matter experts with expertise related to the jurisdiction of the Advisory Committee.

“(d) REPORTS.—

“(1) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Administrator reports on matters requested by the Administrator or by a majority of the members of the Advisory Committee.

“(2) ANNUAL REPORT.—

“(A) SUBMISSION.—The Advisory Committee shall submit to the Administrator and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year.

“(B) PUBLICATION.—Not later than six months after the date that the Administrator receives an annual report under subparagraph (A), the Administrator shall publish a public version of such report, in accordance with section 552a(b) of title 5, United States Code.

“(e) ADMINISTRATION RESPONSE.—

“(1) CONSIDERATION.—The Administrator shall consider the information, advice, and recommendations of the Advisory Committee in formulating policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security efforts.

“(2) FEEDBACK.—Not later than 90 days after the date that the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2), the Administrator shall submit to the Advisory Committee written feedback on such recommendation, including—

“(A) if the Administrator agrees with such recommendation, a plan describing the actions that the Administrator has taken, will take, or recommends that the head of another Federal department or agency take to implement such recommendation; or

“(B) if the Administrator disagrees with such recommendation, a justification for such disagreement.

“(3) NOTICES.—Not later than 30 days after the date the Administrator submits feedback under paragraph (2), the Administrator shall—

“(A) notify the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of such feedback, including the agreement or disagreement under subparagraph (A) or (B) of such paragraph, as applicable; and

“(B) provide the committees specified in subparagraph (A) with a briefing upon request.

“(4) UPDATES.—Not later than 90 days after the date the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2) that the Administrator agrees with, and quarterly thereafter until such recommendation is fully implemented, the Administrator shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report or post on the public website under paragraph (5) an update on the status of such recommendation.

“(5) WEBSITE.—The Administrator shall maintain a public website that—

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

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

“(C) information relating to meetings, minutes, annual reports, and the implementation of recommendations under this section.

“(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee or any subcommittee established under this section.”

(b) ADVISORY COMMITTEE MEMBERS.—

(1) VOTING MEMBERS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall appoint the voting members of the Surface Transportation Security Advisory Committee established under section 1621 of the Homeland Security Act of 2002, as added by subsection (a) of this section.

(2) NONVOTING MEMBERS.—Not later than 90 days after the date of the enactment of this Act, each Federal department and agency with regulatory authority over a mode of surface transportation, as the Administrator

of the Transportation Security Administration considers appropriate, shall designate an appropriate representative to serve as a nonvoting member of the Surface Transportation Security Advisory Committee.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 1616 the following new items:

“Subtitle C—Surface Transportation Security

“Sec. 1621. Surface Transportation Security Advisory Committee.”.

SEC. 3. TECHNOLOGY INVESTMENT PLAN.

(a) IN GENERAL.—Section 1611 of the Homeland Security Act of 2002 (6 U.S.C. 563) is amended by adding at the end the following new subsection:

“(h) ADDITIONAL UPDATE REQUIREMENTS.—Updates and reports required pursuant to subsection (g) shall—

“(1) be prepared in consultation with individuals and entity specified in subsection (b), as well as the Surface Transportation Security Advisory Committee established by the Administrator pursuant to section 1621;

“(2) include information relating to technology investments by the Transportation Security Administration and the private sector that the Department supports with research, development, testing, and evaluation for aviation, air cargo, and surface transportation security; and

“(3) to the extent practicable, include a classified addendum to report sensitive transportation security risks and associated capability gaps that would be best addressed by security-related technology described in paragraph (2).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply beginning with the first update and report required under subsection (g) of section 1611 of the Homeland Security Act of 2002 that is required after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KATKO) and the gentleman from Rhode Island (Mr. LANDEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 5081, the Surface Transportation Security and Technology Accountability Act of 2018.

America's transportation sector has long been, and continues to be, a top target for terrorism. In addition to persistent threats to aviation, terrorists continue to see surface transportation as soft targets that can yield high numbers of casualties.

As chairman of the Subcommittee on Transportation and Protective Security, I have held numerous hearings, briefings, and roundtables dedicated to

providing congressional oversight of the Transportation Security Administration's role in surface transportation security.

The U.S. surface transportation system is a dynamic, interconnected network of passenger and freight railroads, mass transit systems, over-the-road bus operators, motor carrier operators, pipelines, and maritime facilities. These systems are the bedrock of the American economy and way of life, which is precisely why they are such attractive targets for terrorists.

In addition to a number of horrific attacks against surface targets by terrorists overseas, we have recently experienced an attempted suicide bombing in New York City's Port Authority Bus Terminal. This attack was the first attempted suicide bombing on American soil and represented a startling shift in the threat landscape.

Luckily, this incident only yielded injury to the would-be attacker. However, it served as an important reminder that we must be prepared to respond to threats in all modes of transportation.

While TSA is responsible for securing all of America's transportation systems, surface transportation security has been consistently overshadowed by the amount of attention and resources dedicated to aviation security.

This imbalance is aptly illustrated by the glaring absence of surface transportation at TSA's "Strategic Five-Year Technology Investment Plan" as well as the "Biennial Refresh."

The plan is a key communication tool for TSA to help stakeholders understand the agency's priorities and to enable them to align investments and product investment initiatives accordingly.

I would like to reiterate that TSA is responsible for securing all of America's transportation systems, and that surface transportation is a key and integral element of that mission.

TSA does not procure technology for local surface transportation operators, but it does set the standards for viable security technologies and equipment for that environment. Therefore, investments related to research, development, testing, and evaluation of security technologies for surface transportation systems should be included in TSA's "Strategic Five-Year Technology Investment Plan."

My legislation will enhance the visibility of the surface transportation sector and ensure that TSA is positioned to address emerging threats through this critical infrastructure, which serves more than 10 billion riders in the United States annually.

My bill authorizes the establishment of a Surface Transportation Security Advisory Committee that will provide stakeholders the opportunity to coordinate with TSA and comment on policy and pending regulations.

The Surface Transportation Security Advisory Committee is a necessary and long-overdue complement to the Aviation Security Advisory Committee,

which has been a critical resource for the agency and stakeholders, and has led to a number of improvements in aviation security, as well as TSA processes.

Additionally, this bill explicitly directs TSA to expand the scope of its technology investment plan to incorporate investments related to surface transportation security and air cargo security.

My bill will signal to TSA that this committee takes its oversight of all transportation modes seriously and that the security of surface transportation modes should be a higher priority for the agency.

Mr. Speaker, I would like to thank the ranking member of the Transportation and Protective Security Subcommittee, Mrs. WATSON COLEMAN, for cosponsoring this legislation and for her dedication to securing all modes of transportation.

I also wish to thank Chairman MCCAUL for his support of this bill and for ensuring its swift markup at committee.

Whether we talk about mass transit, passenger rail, buses, trucking, freight rail, or pipelines, I understand that surface transportation is of critical importance to all our communities, including my home district in central New York. For that reason, I urge all of my colleagues to support the bill.

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

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

Mr. Speaker, I rise in support of H.R. 5081, the Surface Transportation Security and Technology Accountability Act of 2018.

Mr. Speaker, every day, millions of Americans engage with surface transportation across various modes, including passenger and freight trains, commuter rail, mass transit, and buses.

These systems, which so many of us rely on, are often viewed as soft targets, so it is more important than ever that we intensify efforts to secure these critical systems.

H.R. 5081 is a step in the right direction.

Mr. Speaker, I want to commend my colleague from New York (Mr. KATKO) for his hard work and dedication in putting this bill together and seeing that it gets to the floor this evening.

This bill authorizes the Transportation Security Administration to form a Surface Transportation Security Advisory Committee to advise on surface transportation security matters, including the development and implementation of policies and security directives. This committee will include stakeholders from each mode of surface transportation, including pipelines, as well as representatives from labor organizations, law enforcement, and the first responder community.

Importantly, H.R. 5081 requires TSA to consult with the advisory committee in the development of its technology investment plan to ensure that

TSA develops new and effective security technologies for surface transportation and that we are investing in the right technology at the right time, at the right place.

Mr. Speaker, I urge my colleagues to support this bipartisan piece of legislation. Again, I commend the gentleman from New York (Mr. KATKO) for his hard work on this bill.

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

Mr. KATKO. Mr. Speaker, I would like to thank my colleague from Rhode Island for his kind words about this bill and for the bipartisanship that pervades our committee. It is a model, I think, that, Congress-wide, we could use more of. The bipartisanship that we have on this committee really is helping to keep America safer.

Mr. Speaker, I have no more speakers. I reserve the balance of my time.

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Mr. LANGEVIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just wanted to, again, also echo the words of my colleague from New York in that there is great bipartisanship on the Homeland Security Committee. I have often said that if there is one place we are going to find bipartisanship, it is when it comes to protecting the homeland, protecting our national security, and certainly it has been evidenced by this particular bill and the several bills that we will have before us this evening.

Mr. Speaker, H.R. 5081 will enhance the security of mass transit and other critical surface transportation modes. This legislation is sorely needed, and I thank the chairman of the Transportation and Protective Security Subcommittee, Mr. KATKO, for his efforts.

I encourage my colleagues to support H.R. 5081, and I yield back the balance of my time.

Mr. KATKO. Mr. Speaker, I urge my colleagues to support the 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 New York (Mr. KATKO) that the House suspend the rules and pass the bill, H.R. 5081.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRANSPORTATION SECURITY TECHNOLOGY INNOVATION RE- FORM ACT OF 2018

Mr. KATKO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5730) to require testing and evaluation of advanced transportation security screening technologies related to the mission of the Transportation Security Administration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5730

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 “Transportation Security Technology Innovation Reform Act of 2018”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term “Administration” means the Transportation Security Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Administration.

(3) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term “appropriate congressional committees” means the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(4) DEPARTMENT.—The term “Department” means the Department of Homeland Security.

SEC. 3. TRANSPORTATION SYSTEMS INTEGRATION FACILITY.

(a) IN GENERAL.—There is established in the Administration a Transportation Security Administration Systems Integration Facility (TSIF) for the purposes of testing and evaluating advanced transportation security screening technologies related to the mission of the Administration. The TSIF shall—

(1) evaluate such technologies to enhance the security of transportation systems through screening and threat mitigation and detection;

(2) conduct testing of such technologies to support identified mission needs of the Administration and to meet requirements for acquisitions and procurement;

(3) to the extent practicable, provide original equipment manufacturers with test plans to minimize requirement interpretation disputes and adhere to provided test plans;

(4) collaborate with other technical laboratories and facilities for purposes of augmenting TSIF’s capabilities;

(5) deliver advanced transportation security screening technologies that enhance the overall security of domestic transportation systems; and

(6) to the extent practicable, provide funding and promote efforts to enable participation by a small business concern (as such term is described under section 3 of the Small Business Act (15 U.S.C. 632)) that has an advanced technology or capability but does not have adequate resources to participate in testing and evaluation processes.

(b) STAFFING AND RESOURCE ALLOCATION.—The Administrator shall ensure adequate staffing and resource allocations for the TSIF in a manner which—

(1) prevents unnecessary delays in testing and evaluating advanced transportation security screening technologies for acquisitions and procurement determinations;

(2) ensures the issuance of final paperwork certification does not exceed 45 days after the conclusion of such testing and evaluation; and

(3) collaborates with technology stakeholders to close capabilities gaps in transportation security.

(c) TIMEFRAME.—

(1) IN GENERAL.—The Administrator shall notify the appropriate congressional committees whenever testing and evaluation by TSIF of an advanced transportation security screening technology under this section exceeds 180 days as determined from the date on which the owner of such technology turned over such technology to the Administration after installation for testing and