

114TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To improve surface transportation and maritime security.

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IN THE SENATE OF THE UNITED STATES

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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 \_\_\_\_\_

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**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;

1           (8) in consultation with the Secretary, the Sec-  
2           retary of Transportation, and the Commandant of  
3           the Coast Guard, adjust and update, as appropriate,  
4           the National Infrastructure Protection Plan, the  
5           modal annexes to such plan, and the Department's  
6           surface transportation and maritime security pro-  
7           grams, policies, and initiatives;

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

11          (10) develop a management oversight strategy  
12          that identifies the parties responsible for the imple-  
13          mentation, management, and oversight of the secu-  
14          rity strategy under paragraph (1).

15          (d) REPORTS TO CONGRESS.—

16           (1) IN GENERAL.—Not later than 180 days  
17           after the completion of the assessment under sub-  
18           section (a), the Administrator shall submit a report  
19           to the Committee on Commerce, Science, and Trans-  
20           portation of the Senate and the Committee on  
21           Homeland Security of the House of Representatives  
22           that—

23                   (A) describes the findings of the assess-  
24                   ment;

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 SECURITY**  
10                                   **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           ministrators 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 1 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-

1 mits the report under section 9, the Secretary may  
2 incrementally increase the number of additional ex-  
3 plosives detection canine teams described in para-  
4 graph (1) to not more than 200 more than are in  
5 service on the date of enactment of this Act or to  
6 not more than the total number of additional explo-  
7 sive detection canine teams recommended by the In-  
8 spector General in that report, whichever is less.

9 (d) DEPLOYMENT.—The Secretary shall—

10 (1) use the additional explosives detection ca-  
11 nine teams as part of the Department’s efforts to  
12 strengthen security across the Nation’s surface and  
13 maritime transportation networks;

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

20 (3) consider specific needs and training require-  
21 ments for explosives detection canine teams to be de-  
22 ployed across the Nation’s surface transportation  
23 network, including in venues of multiple modes of  
24 transportation, as the Secretary considers appro-  
25 priate.

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  
11 cybersecurity, relating to the security standards and prac-  
12 tices related to mass transit, passenger rail networks, and  
13 public areas of other transportation systems employed by  
14 the Transportation Security Administration, Amtrak,  
15 State and local governments, operators of mass transit  
16 and passenger rail services, and relevant entities in foreign  
17 countries.

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 9/  
4 11 Commission Act of 2007 (6 U.S.C. 1163(b)) is amend-  
5 ed—

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 “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;

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,”.