

111TH CONGRESS  
1ST SESSION

# H. R. 2200

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IN THE SENATE OF THE UNITED STATES

JUNE 8, 2009

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Transportation Security Administration Authorization  
 4 Act”.

5 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Authorities vested in Assistant Secretary.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Authorization of appropriations.
- Sec. 102. Risk-based system for allocation of resources.

TITLE II—AVIATION SECURITY

Subtitle A—Amendments to Chapter 449

- Sec. 201. Screening air cargo and checked baggage.
- Sec. 202. Prohibition of advance notice of covert testing to security screeners.
- Sec. 203. Secure verification system for law enforcement officers.
- Sec. 204. Ombudsman for Federal Air Marshal Service.
- Sec. 205. Federal flight deck officer program enhancements.
- Sec. 206. Repair stations.
- Sec. 207. Assistant Secretary defined.
- Sec. 208. TSA and homeland security information sharing.
- Sec. 209. Aviation security stakeholder participation.
- Sec. 210. General aviation security.
- Sec. 211. Security and self-defense training.
- Sec. 212. Security screening of individuals with metal implants traveling in air transportation.
- Sec. 213. Prohibition on outsourcing.
- Sec. 214. Known air traveler credential.
- Sec. 215. Limitations on use of whole-body imaging technology for aircraft passenger screening.

Subtitle B—Other Matters

- Sec. 221. Security risk assessment of airport perimeter access controls.
- Sec. 222. Advanced passenger prescreening system.
- Sec. 223. Biometric identifier airport access enhancement demonstration program.
- Sec. 224. Transportation security training programs.
- Sec. 225. Deployment of technology approved by science and technology directorate.
- Sec. 226. In-line baggage screening study.
- Sec. 227. In-line checked baggage screening systems.
- Sec. 228. IG report on certain policies for Federal air marshals.
- Sec. 229. Explosives detection canine teams minimum for aviation security.
- Sec. 230. Assessments and GAO Report of inbound air cargo screening.
- Sec. 231. Status of efforts to promote air cargo shipper certification.

- Sec. 232. Full and open competition in security background screening service.
- Sec. 233. Trusted passenger/Registered Traveler program.
- Sec. 234. Report on cabin crew communication.
- Sec. 235. Air cargo crew training.
- Sec. 236. Reimbursement for airports that have incurred eligible costs.
- Sec. 237. Report on whole body imaging technology.
- Sec. 238. Protective equipment.
- Sec. 239. Security screening for members of the Armed Forces.
- Sec. 240. Report on complaints and claims for loss of property from passenger baggage.
- Sec. 241. Report on certain security plan.
- Sec. 242. Study on combination of facial and iris recognition.
- Sec. 243. Issuance of regulations and security directives using emergency procedures.

### TITLE III—SURFACE TRANSPORTATION SECURITY

- Sec. 301. Assistant Secretary defined.
- Sec. 302. Surface transportation security inspection program.
- Sec. 303. Visible intermodal prevention and response teams.
- Sec. 304. Surface Transportation Security stakeholder participation.
- Sec. 305. Human capital plan for surface transportation security personnel.
- Sec. 306. Surface transportation security training.
- Sec. 307. Improvement of public transportation security assistance.
- Sec. 308. International lessons learned for securing passenger rail and public transportation systems.
- Sec. 309. Underwater tunnel security demonstration project.
- Sec. 310. Passenger rail security demonstration project.
- Sec. 311. Explosives detection canine teams.
- Sec. 312. Deputy Assistant Secretary for surface transportation security.
- Sec. 313. Public hearings on security assistance grant program and the restriction of security improvement priorities.

### TITLE IV—TRANSPORTATION SECURITY ENHANCEMENTS

#### Subtitle A—Security Enhancements

- Sec. 401. Report and recommendation for uniform security background checks.
- Sec. 402. Animal-propelled vessels.
- Sec. 403. Requirements for issuance of transportation security cards; access pending issuance; redundant background checks.
- Sec. 404. Harmonizing security card expirations.
- Sec. 405. Securing aviation from extreme terrorist threats.
- Sec. 406. Pipeline security study.
- Sec. 407. Transportation security administration centralized training facility.

#### Subtitle B—SAFE Truckers Act of 2009

- Sec. 431. Short title.
- Sec. 432. Surface transportation security.
- Sec. 433. Conforming amendment.
- Sec. 434. Limitation on issuance of hazmat licenses.
- Sec. 435. Deadlines and effective dates.
- Sec. 436. Task force on disqualifying crimes.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) ASSISTANT SECRETARY.—The term “Assist-  
4 ant Secretary” means Assistant Secretary of Home-  
5 land Security (Transportation Security Administra-  
6 tion).

7 (2) ADMINISTRATION.—The term “Administra-  
8 tion” means the Transportation Security Adminis-  
9 tration.

10 (3) AVIATION SECURITY ADVISORY COM-  
11 MITTEE.—The term “Aviation Security Advisory  
12 Committee” means the advisory committee estab-  
13 lished by section 44946 of title 49, United States  
14 Code, as added by this Act.

15 (4) SECRETARY.—The term “Secretary” means  
16 the Secretary of Homeland Security.

17 **SEC. 3. AUTHORITIES VESTED IN ASSISTANT SECRETARY.**

18 Any authority vested in the Assistant Secretary under  
19 this Act shall be carried out under the direction and con-  
20 trol of the Secretary.

21 **TITLE I—AUTHORIZATION OF**  
22 **APPROPRIATIONS**

23 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated to the Sec-  
25 retary \$7,604,561,000 for fiscal year 2010 and  
26 \$8,060,835,000 for fiscal year 2011 for the necessary ex-

1 penses of the Transportation Security Administration for  
2 such fiscal years.

3 **SEC. 102. RISK-BASED SYSTEM FOR ALLOCATION OF RE-**  
4 **SOURCES.**

5 (a) REPORT.—Not later than 180 days after the date  
6 of enactment of this Act, the Assistant Secretary shall  
7 submit to the appropriate congressional committees, in-  
8 cluding the Committee on Homeland Security of the  
9 House of Representatives, a report on the status of its  
10 implementation of recommendations from the Comptroller  
11 General with respect to the use by the Transportation Se-  
12 curity Administration of a risk-based system for allocating  
13 security resources effectively.

14 (b) ASSESSMENTS.—The report shall include assess-  
15 ments of the Transportation Security Administration’s  
16 progress in—

17 (1) adopting security goals that define specific  
18 outcomes, conditions, end points, and performance  
19 targets;

20 (2) conducting comprehensive risk assessments  
21 for the transportation sector that meet the criteria  
22 established under Homeland Security Presidential  
23 Directive-7 in effect as of January 1, 2009, and  
24 combine individual assessments of threat, vulner-  
25 ability, and consequence;

1           (3) analyzing the assessments described in  
2 paragraph (2) to produce a comparative analysis of  
3 risk across the entire transportation sector to guide  
4 current and future investment decisions;

5           (4) establishing an approach for gathering data  
6 on investments by State, local, and private sector se-  
7 curity partners in transportation security;

8           (5) establishing a plan and corresponding  
9 benchmarks for conducting risk assessments for the  
10 transportation sector that identify the scope of the  
11 assessments and resource requirements for com-  
12 pleting them;

13          (6) working with the Department of Homeland  
14 Security to effectuate the Administration's risk man-  
15 agement approach by establishing a plan and time-  
16 frame for assessing the appropriateness of the Ad-  
17 ministration's intelligence-driven risk management  
18 approach for managing risk at the Administration  
19 and documenting the results of the assessment once  
20 completed;

21          (7) determining the best approach for assigning  
22 uncertainty or confidence levels to analytic intel-  
23 ligence products related to the Transportation Secu-  
24 rity Administration's security mission and applying  
25 such approach; and

1 (8) establishing internal controls, including—

2 (A) a focal point and clearly defined roles  
3 and responsibilities for ensuring that the Ad-  
4 ministration’s risk management framework is  
5 implemented;

6 (B) policies, procedures, and guidance that  
7 require the implementation of the Administra-  
8 tion’s framework and completion of related  
9 work activities; and

10 (C) a system to monitor and improve how  
11 effectively the framework is being implemented.

12 (c) ASSESSMENT AND PRIORITIZATION OF RISKS.—

13 (1) IN GENERAL.—Consistent with the risk and  
14 threat assessments required under sections  
15 114(s)(3)(B) and 44904(c) of title 49, United States  
16 Code, the report shall include—

17 (A) a summary that ranks the risks within  
18 and across transportation modes, including vul-  
19 nerability of a cyber attack; and

20 (B) a description of the risk-based prior-  
21 ities for securing the transportation sector, both  
22 within and across modes, in the order that the  
23 priorities should be addressed.

24 (2) METHODS.—The report also shall—

1 (A) describe the underlying methodologies  
2 used to assess risks across and within each  
3 transportation mode and the basis for any as-  
4 sumptions regarding threats, vulnerabilities,  
5 and consequences made in assessing and  
6 prioritizing risks within and across such modes;  
7 and

8 (B) include the Assistant Secretary’s work-  
9 ing definition of the terms “risk-based” and  
10 “risk-informed”.

11 (d) **FORMAT.**—The report shall be submitted in clas-  
12 sified or unclassified formats, as appropriate.

13 **TITLE II—AVIATION SECURITY**  
14 **Subtitle A—Amendments to**  
15 **Chapter 449**

16 **SEC. 201. SCREENING AIR CARGO AND CHECKED BAGGAGE.**

17 (a) **INBOUND AIR CARGO ON PASSENGER AIR-**  
18 **CRAFT.**—Section 44901(g) of title 49, United States Code,  
19 is amended—

20 (1) by redesignating paragraphs (3), (4), and  
21 (5) as paragraphs (4), (5), and (6), respectively; and

22 (2) by inserting after paragraph (2) the fol-  
23 lowing:

24 “(3) **INBOUND AIR CARGO ON PASSENGER AIR-**  
25 **CRAFT.**—Not later than 2 years after the date of en-



1 actment of the Transportation Security Administra-  
2 tion Authorization Act, the Assistant Secretary shall  
3 establish a system to verify that all cargo trans-  
4 ported on passenger aircraft operated by an air car-  
5 rier or foreign air carrier inbound to the United  
6 States be screened for explosives. The system shall  
7 include a risk assessment for inbound air cargo on  
8 passenger and all air cargo airplanes, and the As-  
9 sistant Secretary shall use this assessment to ad-  
10 dress vulnerabilities in cargo screening. The Assist-  
11 ant Secretary shall identify redundancies in inbound  
12 cargo inspection on passenger aircraft by agencies  
13 and address these to ensure that all cargo is  
14 screened without subjecting carriers to multiple in-  
15 spections by different agencies.”.

16 (b) MANDATORY SCREENING WHERE EDS IS NOT  
17 YET AVAILABLE.—Section 44901(e)(1) of title 49, United  
18 States Code, is amended to read as follows:

19 “(1) A bag match program, ensuring that no  
20 checked baggage is placed aboard an aircraft unless  
21 the passenger who checked the baggage is aboard  
22 the aircraft, is not authorized as an alternate meth-  
23 od of baggage screening where explosive detection  
24 equipment is available unless there are exigent cir-  
25 cumstances as determined by the Assistant Sec-

1       retary. The Assistant Secretary shall report to the  
2       Committee on Homeland Security of the House of  
3       Representatives within 90 days of the determination  
4       that bag match must be used as an alternate method  
5       of baggage screening.”.

6       **SEC. 202. PROHIBITION OF ADVANCE NOTICE OF COVERT**  
7                               **TESTING TO SECURITY SCREENERS.**

8       (a) COVERT TESTING.—Section 44935 of title 49,  
9       United States Code, is amended—

10               (1) by redesignating the second subsection (i)  
11               (as redesignated by section 111(a)(1) of Public Law  
12               107–71 (115 Stat. 616), relating to accessibility of  
13               computer-based training facilities) as subsection (k);  
14               and

15               (2) by adding at the end the following new sub-  
16               section:

17               “(1) PROHIBITION OF ADVANCE NOTICE TO SECU-  
18       RITY SCREENERS OF COVERT TESTING AND EVALUA-  
19       TION.—

20               “(1) IN GENERAL.—The Assistant Secretary  
21               shall ensure that information concerning a covert  
22               test of a transportation security system to be con-  
23               ducted by a covert testing office, the Inspector Gen-  
24               eral of the Department of Homeland Security, or the

1 Government Accountability Office is not provided to  
2 any individual prior to the completion of the test.

3 “(2) EXCEPTIONS.—Notwithstanding para-  
4 graph (1)—

5 “(A) an authorized individual involved in a  
6 covert test of a transportation security system  
7 may provide information concerning the covert  
8 test to—

9 “(i) employees, officers, and contrac-  
10 tors of the Federal Government (including  
11 military personnel);

12 “(ii) employees and officers of State  
13 and local governments; and

14 “(iii) law enforcement officials who  
15 are authorized to receive or directed to be  
16 provided such information by the Assistant  
17 Secretary, the Inspector General of the De-  
18 partment of Homeland Security, or the  
19 Comptroller General, as the case may be;  
20 and

21 “(B) for the purpose of ensuring the secu-  
22 rity of any individual in the vicinity of a site  
23 where a covert test of a transportation security  
24 system is being conducted, an individual con-  
25 ducting the test may disclose his or her status

1 as an individual conducting the test to any ap-  
2 propriate individual if a security screener or  
3 other individual who is not a covered employee  
4 identifies the individual conducting the test as  
5 a potential threat.

6 “(3) SPECIAL RULES FOR TSA.—

7 “(A) MONITORING AND SECURITY OF  
8 TESTING PERSONNEL.—The head of each covert  
9 testing office shall ensure that a person or  
10 group of persons conducting a covert test of a  
11 transportation security system for the covert  
12 testing office is accompanied at the site of the  
13 test by a cover team composed of one or more  
14 employees of the covert testing office for the  
15 purpose of monitoring the test and confirming  
16 the identity of personnel involved in the test  
17 under subparagraph (B).

18 “(B) RESPONSIBILITY OF COVER TEAM.—

19 Under this paragraph, a cover team for a covert  
20 test of a transportation security system shall—

21 “(i) monitor the test; and

22 “(ii) for the purpose of ensuring the  
23 security of any individual in the vicinity of  
24 a site where the test is being conducted,  
25 confirm, notwithstanding paragraph (1),

1 the identity of any individual conducting  
2 the test to any appropriate individual if a  
3 security screener or other individual who is  
4 not a covered employee identifies the indi-  
5 vidual conducting the test as a potential  
6 threat.

7 “(C) AVIATION SCREENING.—Notwith-  
8 standing subparagraph (A), the Transportation  
9 Security Administration is not required to have  
10 a cover team present during a test of the  
11 screening of persons, carry-on items, or checked  
12 baggage at an aviation security checkpoint at or  
13 serving an airport if the test—

14 “(i) is approved, in coordination with  
15 the designated security official for the air-  
16 port operator by the Federal Security Di-  
17 rector for such airport; and

18 “(ii) is carried out under an aviation  
19 screening assessment program of the De-  
20 partment of Homeland Security.

21 “(D) USE OF OTHER PERSONNEL.—The  
22 Transportation Security Administration may  
23 use employees, officers, and contractors of the  
24 Federal Government (including military per-

1           sonnel) and employees and officers of State and  
2           local governments to conduct covert tests.

3           “(4) DEFINITIONS.—In this subsection, the fol-  
4           lowing definitions apply:

5                   “(A) APPROPRIATE INDIVIDUAL.—The  
6           term ‘appropriate individual’, as used with re-  
7           spect to a covert test of a transportation secu-  
8           rity system, means any individual that—

9                           “(i) the individual conducting the test  
10           determines needs to know his or her status  
11           as an individual conducting a test under  
12           paragraph (2)(B); or

13                           “(ii) the cover team monitoring the  
14           test under paragraph (3)(B)(i) determines  
15           needs to know the identity of an individual  
16           conducting the test.

17                   “(B) COVERED EMPLOYEE.—The term  
18           ‘covered employee’ means any individual who  
19           receives notice of a covert test before the com-  
20           pletion of a test under paragraph (2)(A).

21                   “(C) COVERT TEST.—

22                           “(i) IN GENERAL.—The term ‘covert  
23           test’ means an exercise or activity con-  
24           ducted by a covert testing office, the In-  
25           spector General of the Department of

1 Homeland Security, or the Government Ac-  
2 countability Office to intentionally test,  
3 compromise, or circumvent transportation  
4 security systems to identify vulnerabilities  
5 in such systems.

6 “(ii) LIMITATION.—Notwithstanding  
7 clause (i), the term ‘covert test’ does not  
8 mean an exercise or activity by an em-  
9 ployee or contractor of the Transportation  
10 Security Administration to test or assess  
11 compliance with relevant regulations.

12 “(D) COVERT TESTING OFFICE.—The term  
13 ‘covert testing office’ means any office of the  
14 Transportation Security Administration des-  
15 ignated by the Assistant Secretary to conduct  
16 covert tests of transportation security systems.

17 “(E) EMPLOYEE OF A COVERT TESTING  
18 OFFICE.—The term ‘employee of a covert test-  
19 ing office’ means an individual who is an em-  
20 ployee of a covert testing office or a contractor  
21 or an employee of a contractor of a covert test-  
22 ing office.”.

23 (b) UNIFORMS.—Section 44935(j) of such title is  
24 amended—

1           (1) by striking “The Under Secretary” and in-  
2           serting the following:

3           “(1) UNIFORM REQUIREMENT.—The Assistant  
4           Secretary”; and

5           (2) by adding at the end the following:

6           “(2) ALLOWANCE.—The Assistant Secretary  
7           may grant a uniform allowance of not less than  
8           \$300 to any individual who screens passengers and  
9           property pursuant to section 44901.”.

10 **SEC. 203. SECURE VERIFICATION SYSTEM FOR LAW EN-**  
11 **FORCEMENT OFFICERS.**

12           Section 44917 of title 49, United States Code, is  
13           amended by adding at the end the following:

14           “(e) SECURE VERIFICATION SYSTEM FOR LAW EN-  
15           FORCEMENT OFFICERS.—

16           “(1) IN GENERAL.—The Assistant Secretary  
17           shall develop a plan for a system to securely verify  
18           the identity and status of law enforcement officers  
19           flying while armed. The Assistant Secretary shall en-  
20           sure that the system developed includes a biometric  
21           component.

22           “(2) DEMONSTRATION.—The Assistant Sec-  
23           retary shall conduct a demonstration program to  
24           test the secure verification system described in para-



1 graph (1) before issuing regulations for deployment  
2 of the system.

3 “(3) CONSULTATION.—The Assistant Secretary  
4 shall consult with the Aviation Security Advisory  
5 Committee, established under section 44946 of title  
6 49, United States Code, when developing the system  
7 and evaluating the demonstration program.

8 “(4) REPORT.—The Assistant Secretary shall  
9 submit a report to the Committee on Homeland Se-  
10 curity of the House of Representatives, evaluating  
11 the demonstration program of the secure verification  
12 system required by this section.

13 “(5) AUTHORIZATION OF APPROPRIATIONS.—  
14 From the amounts authorized under section 101 of  
15 the Transportation Security Administration Author-  
16 ization Act, there is authorized to be appropriated to  
17 carry out this subsection \$10,000,000, to remain  
18 available until expended.”.

19 **SEC. 204. OMBUDSMAN FOR FEDERAL AIR MARSHAL SERV-**  
20 **ICE.**

21 Section 44917 of title 49, United States Code, as  
22 amended by section 203 of this Act, is further amended  
23 by adding at the end the following:

24 “(f) OMBUDSMAN.—

1           “(1) ESTABLISHMENT.—The Assistant Sec-  
2           retary shall establish in the Federal Air Marshal  
3           Service an Office of the Ombudsman.

4           “(2) APPOINTMENT.—The head of the Office  
5           shall be the Ombudsman, who shall be appointed by  
6           the Assistant Secretary.

7           “(3) DUTIES.—The Ombudsman shall carry out  
8           programs and activities to improve morale, training,  
9           and quality of life issues in the Service, including  
10          through implementation of the recommendations of  
11          the Inspector General of the Department of Home-  
12          land Security and the Comptroller General.”.

13 **SEC. 205. FEDERAL FLIGHT DECK OFFICER PROGRAM EN-**  
14 **HANCEMENTS.**

15          (a) ESTABLISHMENT.—Section 44921(a) of title 49,  
16          United States Code, is amended by striking the following:  
17          “The Under Secretary of Transportation for Security”  
18          and inserting “The Secretary of Homeland Security, act-  
19          ing through the Assistant Secretary of Transportation Se-  
20          curity”.

21          (b) ADMINISTRATORS.—Section 44921(b) of title 49,  
22          United States Code, is amended—

23                  (1) by striking “Under” in paragraphs (1), (2),  
24                  (4), (6), and (7); and

25                  (2) by adding at the end the following:

1           “(8) ADMINISTRATORS.—The Assistant Sec-  
2           retary shall implement an appropriately sized admin-  
3           istrative structure to manage the program, including  
4           overseeing—

5                   “(A) eligibility and requirement protocols  
6                   administration; and

7                   “(B) communication with Federal flight  
8                   deck officers.”.

9           (c) TRAINING, SUPERVISION, AND EQUIPMENT.—  
10          Section 44921(c)(2)(C) of such title is amended by adding  
11          at the end the following:

12                   “(iv) USE OF FEDERAL AIR MARSHAL  
13                   SERVICE FIELD OFFICE FACILITIES.—In  
14                   addition to dedicated Government and con-  
15                   tract training facilities, the Assistant Sec-  
16                   retary shall require that field office facili-  
17                   ties of the Federal Air Marshal Service be  
18                   used for the administrative and training  
19                   needs of the program. Such facilities shall  
20                   be available to Federal flight deck officers  
21                   at no cost for firearms training and quali-  
22                   fication, defensive tactics training, and  
23                   program administrative assistance.”.

24          (d) REIMBURSEMENT.—Section 44921 of such title  
25          is amended by adding at the end the following:

1       “(l) REIMBURSEMENT.—The Secretary, acting  
2 through the Assistant Secretary, shall reimburse all Fed-  
3 eral flight deck officers for expenses incurred to complete  
4 a recurrent and requalifying training requirement nec-  
5 essary to continue to serve as a Federal flight deck officer.  
6 Eligible expenses under this subsection include ground  
7 transportation, lodging, meals, and ammunition, to com-  
8 plete any required training as determined by the Assistant  
9 Secretary.”.

10 **SEC. 206. REPAIR STATIONS.**

11       Section 44924(f) of title 49, United States Code, is  
12 amended to read as follows:

13       “(f) REGULATIONS.—The Assistant Secretary shall  
14 issue regulations establishing security standards for for-  
15 eign and domestic repair stations performing maintenance  
16 for aircraft used to provide air transportation and shall  
17 ensure that comparable security standards apply to main-  
18 tenance work performed by employees of repair stations  
19 certified under part 121 of title 14, Code of Federal Regu-  
20 lations, and maintenance work performed by employees of  
21 repair stations certified under part 145 of such title.”.

22 **SEC. 207. ASSISTANT SECRETARY DEFINED.**

23       (a) IN GENERAL.—Subchapter II of chapter 449 of  
24 title 49, United States Code, is amended by inserting be-  
25 fore section 44933 the following:

1 **“§ 44931. Assistant Secretary defined**

2 “(a) IN GENERAL.—In this chapter—

3 “(1) the term ‘Assistant Secretary’ means the  
4 Assistant Secretary of Homeland Security (Trans-  
5 portation Security Administration); and

6 “(2) any reference to the Administrator of the  
7 Transportation Security Administration, the Under  
8 Secretary of Transportation for Security, the Under  
9 Secretary of Transportation for Transportation Se-  
10 curity, or the Under Secretary for Transportation  
11 Security shall be deemed to be a reference to the As-  
12 sistant Secretary.

13 “(b) AUTHORITIES VESTED IN ASSISTANT SEC-  
14 RETARY.—Any authority vested in the Assistant Secretary  
15 under this chapter shall be carried out under the direction  
16 and control of the Secretary of Homeland Security.”.

17 (b) CLERICAL AMENDMENT.—The analysis for such  
18 subchapter is amended by inserting before the item relat-  
19 ing to section 44933 the following:

“44931. Assistant Secretary defined.”.

20 **SEC. 208. TSA AND HOMELAND SECURITY INFORMATION**

21 **SHARING.**

22 (a) FEDERAL SECURITY DIRECTOR.—Section 44933  
23 of title 49, United States Code, is amended—

24 (1) in the section heading, by striking “**Man-**  
25 **agers**” and inserting “**Directors**”;

1           (2) by striking “Manager” each place it appears  
2           and inserting “Director”;

3           (3) by striking “Managers” each place it ap-  
4           pears and inserting “Directors”; and

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

6           “(c) INFORMATION SHARING.—Not later than one  
7           year after the date of enactment of the Transportation Se-  
8           curity Administration Authorization Act, the Assistant  
9           Secretary shall—

10           “(1) require an airport security plan to have  
11           clear reporting procedures to provide that the Fed-  
12           eral Security Director of the airport is immediately  
13           notified whenever any Federal, State, or local law  
14           enforcement personnel are called to an aircraft at a  
15           gate or on an airfield at the airport to respond to  
16           any security matter;

17           “(2) require each Federal Security Director of  
18           an airport to meet at least quarterly with law en-  
19           forcement agencies serving the airport to discuss in-  
20           cident management protocols; and

21           “(3) require each Federal Security Director at  
22           an airport to inform, consult, and coordinate, as ap-  
23           propriate, with the airport operator in a timely man-  
24           ner on security matters impacting airport operations  
25           and to establish and maintain operational protocols

1 with airport operators to ensure coordinated re-  
2 sponses to security matters.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 114(f)(6) of title 49, United States  
5 Code, is amended by striking “Managers” and in-  
6 serting “Directors”.

7 (2) Section 44940(a)(1)(F) of title 49, United  
8 States Code, is amended by striking “Managers”  
9 and inserting “Directors”.

10 (c) TECHNICAL AMENDMENT.—The chapter analysis  
11 for chapter 449 is amended by striking the item relating  
12 to section 44933 and inserting the following:

“44933. Federal Security Directors.”.

13 **SEC. 209. AVIATION SECURITY STAKEHOLDER PARTICIPA-**  
14 **TION.**

15 (a) IN GENERAL.—Subchapter II of chapter 449 of  
16 title 49, United States Code, is amended by adding at the  
17 end the following:

18 **“§ 44946. Aviation Security Advisory Committee**

19 “(a) ESTABLISHMENT OF AVIATION SECURITY ADVI-  
20 SORY COMMITTEE.—

21 “(1) IN GENERAL.—The Assistant Secretary  
22 shall establish in the Transportation Security Ad-  
23 ministration an advisory committee, to be known as  
24 the Aviation Security Advisory Committee (in this  
25 chapter referred to as the ‘Advisory Committee’), to

1 assist the Assistant Secretary with issues pertaining  
2 to aviation security, including credentialing.

3 “(2) RECOMMENDATIONS.—The Assistant Sec-  
4 retary shall require the Advisory Committee to de-  
5 velop recommendations for improvements to civil  
6 aviation security methods, equipment, and processes.

7 “(3) MEETINGS.—The Assistant Secretary shall  
8 require the Advisory Committee to meet at least  
9 semiannually and may convene additional meetings  
10 as necessary.

11 “(4) UNPAID POSITION.—Advisory Committee  
12 members shall serve at their own expense and re-  
13 ceive no salary, reimbursement of travel expenses, or  
14 other compensation from the Federal Government.

15 “(b) MEMBERSHIP.—

16 “(1) MEMBER ORGANIZATIONS.—The Assistant  
17 Secretary shall ensure that the Advisory Committee  
18 is composed of not more than one individual rep-  
19 resenting not more than 27 member organizations,  
20 including representation of air carriers, all cargo air  
21 transportation, indirect air carriers, labor organiza-  
22 tions representing air carrier employees, aircraft  
23 manufacturers, airport operators, general aviation,  
24 and the aviation technology security industry, in-  
25 cluding biometrics.



1           “(2) APPOINTMENTS.—Members shall be ap-  
2           pointed by the Assistant Secretary, and the Assist-  
3           ant Secretary shall have the discretion to review the  
4           participation of any Advisory Committee member  
5           and remove for cause at any time.

6           “(c) NONAPPLICABILITY OF FACCA.—The Federal  
7           Advisory Committee Act (5 U.S.C. App.) shall not apply  
8           to the Advisory Committee under this section.

9           “(d) AIR CARGO SECURITY WORKING GROUP.—

10           “(1) IN GENERAL.—The Assistant Secretary  
11           shall establish within the Advisory Committee an air  
12           cargo security working group to provide rec-  
13           ommendations for air cargo security issues, includ-  
14           ing the implementation of the air cargo screening  
15           initiatives proposed by the Transportation Security  
16           Administration to screen air cargo on passenger air-  
17           craft in accordance with established cargo screening  
18           mandates.

19           “(2) MEETINGS.—The working group shall  
20           meet at least semiannually and provide annual re-  
21           ports to the Assistant Secretary with recommenda-  
22           tions to improve the Administration’s cargo screen-  
23           ing initiatives established to meet all cargo screening  
24           mandates set forth in section 44901(g) of title 49,  
25           United States Code.

1           “(3) MEMBERSHIP.—The working group shall  
2 include members from the Advisory Committee with  
3 expertise in air cargo operations and representatives  
4 from other stakeholders as determined by the Assist-  
5 ant Secretary.

6           “(4) REPORTS.—

7           “(A) IN GENERAL.—The working group  
8 shall prepare and submit reports to the Assist-  
9 ant Secretary in accordance with this para-  
10 graph that provide cargo screening mandate im-  
11 plementation recommendations.

12           “(B) SUBMISSION.—Not later than one  
13 year after the date of enactment of this section  
14 and on an annual basis thereafter, the working  
15 group shall submit its first report to the Assist-  
16 ant Secretary, including any recommendations  
17 of the group—

18           “(i) to reduce redundancies and in-  
19 crease efficiencies with the screening and  
20 inspection of inbound cargo; and

21           “(ii) on the potential development of a  
22 fee structure to help sustain cargo screen-  
23 ing efforts.”.

24           (b) CLERICAL AMENDMENT.—The analysis for such  
25 subchapter is amended by adding at the end the following:

“44946. Aviation Security Advisory Committee.”.

1 **SEC. 210. GENERAL AVIATION SECURITY.**

2 (a) IN GENERAL.—Subchapter II of chapter 449 of  
3 title 49, United States Code, as amended by section 209  
4 of this Act, is further amended by adding at the end the  
5 following:

6 **“§ 44947. General aviation security**

7 “(a) GENERAL AVIATION SECURITY GRANT PRO-  
8 GRAM.—

9 “(1) IN GENERAL.—The Assistant Secretary  
10 shall carry out a general aviation security grant pro-  
11 gram to enhance transportation security at general  
12 aviation airports by making grants to operators of  
13 general aviation airports for projects to enhance pe-  
14 rimeter security, airfield security, and terminal secu-  
15 rity.

16 “(2) ELIGIBLE PROJECTS.—Not later than one  
17 year after the date of submission of the first report  
18 of the working group under subsection (b), the As-  
19 sistant Secretary shall develop and make publically  
20 available a list of approved eligible projects for such  
21 grants under paragraph (1) based upon rec-  
22 ommendations made by the working group in such  
23 report.

24 “(3) FEDERAL SHARE.—The Federal share of  
25 the cost of activities for which grants are made  
26 under this subsection shall be 90 percent.

1           “(4) PRESUMPTION OF CONGRESS RELATING TO  
2 COMPETITIVE PROCEDURES.—

3           “(A) PRESUMPTION.—It is the presump-  
4 tion of Congress that grants awarded under  
5 this section will be awarded using competitive  
6 procedures based on risk.

7           “(B) REPORT TO CONGRESS.—If grants  
8 are awarded under this section using proce-  
9 dures other than competitive procedures, the  
10 Assistant Secretary shall submit to Congress a  
11 report explaining why competitive procedures  
12 were not used.

13       “(b) GENERAL AVIATION SECURITY WORKING  
14 GROUP.—

15       “(1) IN GENERAL.—The Assistant Secretary  
16 shall establish, within the Aviation Security Advisory  
17 Committee established under section 44946, a gen-  
18 eral aviation working group to advise the Transpor-  
19 tation Security Administration regarding transpor-  
20 tation security issues for general aviation facilities,  
21 general aviation aircraft, heliports, and helicopter  
22 operations at general aviation and commercial serv-  
23 ice airports.

1           “(2) MEETINGS.—The working group shall  
2 meet at least semiannually and may convene addi-  
3 tional meetings as necessary.

4           “(3) MEMBERSHIP.—The Assistant Secretary  
5 shall appoint members from the Aviation Security  
6 Advisory Committee with general aviation experi-  
7 ence.

8           “(4) REPORTS.—

9           “(A) SUBMISSION.—The working group  
10 shall submit a report to the Assistant Secretary  
11 with recommendations on ways to improve secu-  
12 rity at general aviation airports.

13           “(B) CONTENTS OF REPORT.—The report  
14 of the working group submitted to the Assistant  
15 Secretary under this paragraph shall include  
16 any recommendations of the working group for  
17 eligible security enhancement projects at gen-  
18 eral aviation airports to be funded by grants  
19 under subsection (a).

20           “(C) SUBSEQUENT REPORTS.—After sub-  
21 mitting the report, the working group shall con-  
22 tinue to report to the Assistant Secretary on  
23 general aviation aircraft and airports.

24           “(c) AUTHORIZATION OF APPROPRIATIONS.—From  
25 amounts made available under section 101 of the Trans-

1 portation Security Administration Authorization Act,  
2 there is authorized to be appropriated for making grants  
3 under subsection (a) \$10,000,000 for each of fiscal years  
4 2010 and 2011. None of the funds appropriated pursuant  
5 to this subsection may be used for a congressional ear-  
6 mark as defined in clause 9d, of Rule XXI of the rules  
7 of the House of Representatives of the 111th Congress.”.

8 (b) CLERICAL AMENDMENT.—The analysis for such  
9 subchapter is further amended by adding at the end the  
10 following:

“44947. General aviation security.”.

11 **SEC. 211. SECURITY AND SELF-DEFENSE TRAINING.**

12 (a) Section 44918(b) of title 49, United States Code,  
13 is amended—

14 (1) by striking paragraph (1) and inserting the  
15 following:

16 “(1) SELF-DEFENSE TRAINING PROGRAM.—Not  
17 later than 1 year after the date of enactment of the  
18 Transportation Security Administration Authoriza-  
19 tion Act, the Assistant Secretary shall provide ad-  
20 vanced self-defense training of not less than 5 hours  
21 during each 2-year period for all cabin crew-  
22 members. The Assistant Secretary shall consult with  
23 the Advisory Committee, established under section  
24 44946. and cabin crew and air carrier representa-  
25 tives in developing a plan for providing self-defense

1 training in conjunction with existing recurrent train-  
2 ing.”;

3 (2) by striking paragraph (3) and inserting the  
4 following:

5 “(3) PARTICIPATION.—A crewmember shall not  
6 be required to engage in any physical contact during  
7 the training program under this subsection.”; and

8 (3) by striking paragraph (4) and redesignating  
9 paragraphs (5) through (7) as paragraphs (4)  
10 through (6), respectively.

11 (b) SECURITY TRAINING.—Section 44918(a)(6) of  
12 title 49, United States Code, is amended by adding at the  
13 end the following: “The Assistant Secretary shall establish  
14 an oversight program for security training of cabin crew-  
15 members that includes developing performance measures  
16 and strategic goals for air carriers, and standard protocols  
17 for Transportation Security Administration oversight in-  
18 spectors, in accordance with recommendations by the In-  
19 spector General of the Department of Homeland Security  
20 and the Comptroller General.”.

1 **SEC. 212. SECURITY SCREENING OF INDIVIDUALS WITH**  
2 **METAL IMPLANTS TRAVELING IN AIR TRANS-**  
3 **PORTATION.**

4 (a) IN GENERAL.—Section 44903 of title 49, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 “(m) SECURITY SCREENING OF INDIVIDUALS WITH  
8 METAL IMPLANTS TRAVELING IN AIR TRANSPOR-  
9 TATION.—

10 “(1) IN GENERAL.—The Assistant Secretary  
11 shall carry out a program to ensure fair treatment  
12 in the screening of individuals with metal implants  
13 traveling in air transportation.

14 “(2) PLAN.—Not later than 6 months after the  
15 date of enactment of the Transportation Security  
16 Administration Authorization Act, the Assistant Sec-  
17 retary shall submit a plan to the Committee on  
18 Homeland Security of the House of Representatives  
19 for improving security screening procedures for indi-  
20 viduals with metal implants to limit disruptions in  
21 the screening process while maintaining security.  
22 The plan shall include an analysis of approaches to  
23 limit such disruptions for individuals with metal im-  
24 plants, and benchmarks for implementing changes to  
25 the screening process and the establishment of a cre-  
26 dential or system that incorporates biometric tech-



1 nology and other applicable technologies to verify the  
2 identity of an individual who has a metal implant.

3 “(3) PROGRAM.—Not later than 12 months  
4 after the date of enactment of the Transportation  
5 Security Administration Authorization Act, the As-  
6 sistant Secretary shall implement a program to im-  
7 prove security screening procedures for individuals  
8 with metal implants to limit disruptions in the  
9 screening process while maintaining security, includ-  
10 ing a credential or system that incorporates biomet-  
11 ric technology or other applicable technologies to  
12 verify the identity of an individual who has a metal  
13 implant.

14 “(4) METAL IMPLANT DEFINED.—In this para-  
15 graph, the term ‘metal implant’ means a metal de-  
16 vice or object that has been surgically implanted or  
17 otherwise placed in the body of an individual, includ-  
18 ing any metal device used in a hip or knee replace-  
19 ment, metal plate, metal screw, metal rod inside a  
20 bone, and other metal orthopedic implants.”.

21 (b) EFFECTIVE DATE.—Not later than 180 days  
22 after the date of enactment of the Transportation Security  
23 Administration Authorization Act, the Secretary of Home-  
24 land Security shall submit the plan for security screening  
25 procedures for individuals with metal implants, as re-

1 quired by section 44903(m) of title 49, United States  
2 Code.

3 **SEC. 213. PROHIBITION ON OUTSOURCING.**

4 Section 44903(j)(2)(C) of title 49, United States  
5 Code, is amended by adding at the end the following new  
6 clause:

7 “(v) **OUTSOURCING PROHIBITED.**—  
8 Upon implementation of the advanced pas-  
9 senger prescreening system required by  
10 this section, the Assistant Secretary shall  
11 prohibit any non-governmental entity from  
12 administering the function of comparing  
13 passenger information to the automatic se-  
14 lectee and no fly lists, consolidated and in-  
15 tegrated terrorist watchlists, or any list or  
16 database derived from such watchlists for  
17 activities related to aviation security. The  
18 Assistant Secretary shall report to the  
19 Committee on Homeland Security of the  
20 House of Representatives and the Com-  
21 mittee on Commerce, Science, and Trans-  
22 portation of the Senate when any non-gov-  
23 ernmental entity is authorized access to  
24 the watchlists described in this clause.”.

1 **SEC. 214. KNOWN AIR TRAVELER CREDENTIAL.**

2 (a) ESTABLISHMENT.—Section 44903(h) of title 49,  
3 United States Code, is amended—

4 (1) by redesignating paragraph (7) as para-  
5 graph (8); and

6 (2) by inserting after paragraph (6) the fol-  
7 lowing:

8 “(7) KNOWN AIR TRAVELER CREDENTIAL.—  
9 Not later than 6 months after the date of enactment  
10 of the Transportation Security Administration Au-  
11 thorization Act, the Assistant Secretary shall—

12 “(A) establish a known air traveler creden-  
13 tial that incorporates biometric identifier tech-  
14 nology;

15 “(B) establish a process by which the cre-  
16 dential will be used to verify the identity of  
17 known air travelers and allow them to bypass  
18 airport passenger and carry-on baggage screen-  
19 ing;

20 “(C) establish procedures—

21 “(i) to ensure that only known air  
22 travelers are issued the known air traveler  
23 credential;

24 “(ii) to resolve failures to enroll, false  
25 matches, and false nonmatches relating to

1 use of the known air traveler credential;  
2 and

3 “(iii) to invalidate any known air trav-  
4 eler credential that is lost, stolen, or no  
5 longer authorized for use;

6 “(D) begin issuance of the known air trav-  
7 eler credential to each known air traveler that  
8 applies for a credential; and

9 “(E) take such other actions with respect  
10 to the known air traveler credential as the As-  
11 sistant Secretary considers appropriate.”.

12 (b) KNOWN AIR TRAVELER DEFINED.—Section  
13 44903(h)(8) of such title (as redesignated by subsection  
14 (a) of this section) is amended—

15 (1) by redesignating subparagraph (F) as sub-  
16 paragraph (G); and

17 (2) by inserting after subparagraph (E) the fol-  
18 lowing:

19 “(F) KNOWN AIR TRAVELER.—The term  
20 ‘known air traveler’ means a United States cit-  
21 izen who—

22 “(i) has received a security clearance  
23 from the Federal Government;

1           “(ii) is a Federal Aviation Adminis-  
2           tration certificated pilot, flight crew mem-  
3           ber, or cabin crew member;

4           “(iii) is a Federal, State, local, tribal,  
5           or territorial government law enforcement  
6           officer not covered by paragraph (6);

7           “(iv) is a member of the armed forces  
8           (as defined by section 101 of title 10) who  
9           has received a security clearance from the  
10          Federal Government; or

11          “(v) the Assistant Secretary deter-  
12          mines has appropriate security qualifica-  
13          tions for inclusion under this subpara-  
14          graph.”.

15          (c) **AUTHORIZATION OF APPROPRIATIONS.**—There  
16          are authorized to be appropriated such sums as may be  
17          necessary to carry out the amendments made by this sec-  
18          tion.

19          **SEC. 215. LIMITATIONS ON USE OF WHOLE-BODY IMAGING**  
20                                   **TECHNOLOGY FOR AIRCRAFT PASSENGER**  
21                                   **SCREENING.**

22          Section 44901 of title 49, United States Code, is  
23          amended by adding at the end the following:

24          “(1) **LIMITATIONS ON USE OF WHOLE-BODY IMAG-**  
25          **ING TECHNOLOGY FOR SCREENING PASSENGERS.**—

1           “(1) IN GENERAL.—The Assistant Secretary of  
2           Homeland Security (Transportation Security Admin-  
3           istration) shall ensure that whole-body imaging tech-  
4           nology is used for the screening of passengers under  
5           this section only in accordance with this subsection.

6           “(2) PROHIBITION ON USE FOR ROUTINE  
7           SCREENING.—Whole-body imaging technology may  
8           not be used as the sole or primary method of screen-  
9           ing a passenger under this section. Whole-body im-  
10          aging technology may not be used to screen a pas-  
11          senger under this section unless another method of  
12          screening, such as metal detection, demonstrates  
13          cause for preventing such passenger from boarding  
14          an aircraft.

15          “(3) PROVISION OF INFORMATION.—A pas-  
16          senger for whom screening by whole-body imaging  
17          technology is permissible under paragraph (2) shall  
18          be provided information on the operation of such  
19          technology, on the image generated by such tech-  
20          nology, on privacy policies relating to such tech-  
21          nology, and on the right to request a pat-down  
22          search under paragraph (4) prior to the utilization  
23          of such technology with respect to such passenger.

24          “(4) PAT-DOWN SEARCH OPTION.—A passenger  
25          for whom screening by whole-body imaging tech-

1 nology is permissible under paragraph (2) shall be  
2 offered a pat-down search in lieu of such screening.

3 “(5) PROHIBITION ON USE OF IMAGES.—An  
4 image of a passenger generated by whole-body imag-  
5 ing technology may not be stored, transferred,  
6 shared, or copied in any form after the boarding de-  
7 termination with respect to such passenger is made.

8 “(6) REPORT.—Not later than one year after  
9 the date of enactment of this section, and annually  
10 thereafter, the Assistant Secretary shall submit to  
11 Congress a report containing information on the im-  
12 plementation of this subsection, on the number of  
13 passengers for whom screening by whole-body imag-  
14 ing technology was permissible under paragraph (2)  
15 as a percentage of all screened passengers, on the  
16 number of passengers who chose a pat-down search  
17 when presented the offer under paragraph (4) as a  
18 percentage of all passengers presented such offer, on  
19 privacy protection measures taken with respect to  
20 whole-body imaging technology, on privacy violations  
21 that occurred with respect to such technology, and  
22 on the effectiveness of such technology.

23 “(7) DEFINITIONS.—In this subsection, the fol-  
24 lowing definitions apply:

1           “(A) PAT-DOWN SEARCH.—The term ‘pat-  
2           down search’ means a physical inspection of the  
3           body of an aircraft passenger conducted in ac-  
4           cordance with the Transportation Security Ad-  
5           ministration’s standard operating procedure as  
6           described in the Transportation Security Ad-  
7           ministration’s official training manual.

8           “(B) WHOLE-BODY IMAGING TECH-  
9           NOLOGY.—The term ‘whole-body imaging tech-  
10          nology’ means a device, including a device using  
11          backscatter x-rays or millimeter waves, used to  
12          detect objects carried on individuals and that  
13          creates a visual image of the individual’s full  
14          body, showing the surface of the skin and re-  
15          vealing objects that are on the body.”.

## 16           **Subtitle B—Other Matters**

### 17   **SEC. 221. SECURITY RISK ASSESSMENT OF AIRPORT PERIM-** 18           **ETER ACCESS CONTROLS.**

19           (a) IN GENERAL.—The Assistant Secretary shall de-  
20          velop a strategic risk-based plan to improve transportation  
21          security at airports that includes best practices to make  
22          airport perimeter access controls more secure at all com-  
23          mercial service and general aviation airports.

24           (b) CONTENTS.—The plan shall—



1           (1) incorporate best practices for enhanced pe-  
2           rimeter access controls;

3           (2) evaluate and incorporate major findings of  
4           all relevant pilot programs of the Transportation Se-  
5           curity Administration;

6           (3) address recommendations of the Comp-  
7           troller General on perimeter access controls;

8           (4) include a requirement that airports update  
9           their security plans to incorporate the best practices,  
10          as appropriate, based on risk and adapt the best  
11          practices to meet the needs specific to their facilities;  
12          and

13          (5) include an assessment of the role of new  
14          and emerging technologies, including unmanned and  
15          autonomous perimeter security technologies, that  
16          could be utilized at both commercial and general  
17          aviation facilities.

18 **SEC. 222. ADVANCED PASSENGER PRESCREENING SYSTEM.**

19          (a) INITIAL REPORT.—Not later than 90 days after  
20          the date of enactment of this Act, the Comptroller General  
21          shall submit to the Committee on Homeland Security of  
22          the House of Representatives and the Committee on Com-  
23          merce, Science, and Transportation of the Senate a report  
24          that—

1 (1) describes the progress made by the Depart-  
2 ment of Homeland Security in implementing the ad-  
3 vanced passenger prescreening system;

4 (2) compares the total number of misidentified  
5 passengers who must undergo secondary screening  
6 or have been prevented from boarding a plane dur-  
7 ing the 3-month period beginning 90 days before the  
8 date of enactment of the Transportation Security  
9 Administration Authorization Act with the 3-month  
10 period beginning 90 days after such date; and

11 (3) includes any other relevant recommenda-  
12 tions that the Inspector General of the Department  
13 of Homeland Security or the Comptroller General  
14 determines appropriate.

15 (b) SUBSEQUENT REPORTS.—The Comptroller Gen-  
16 eral shall submit subsequent reports on the implementa-  
17 tion to such Committees every 90 days thereafter until the  
18 implementation is complete.

19 **SEC. 223. BIOMETRIC IDENTIFIER AIRPORT ACCESS EN-**  
20 **HANCEMENT DEMONSTRATION PROGRAM.**

21 (a) IN GENERAL.—The Assistant Secretary shall  
22 carry out a demonstration program under which biometric  
23 identifier access systems for individuals with unescorted  
24 access to secure or sterile areas of an airport, including  
25 airport employees and flight crews, are evaluated for the

1 purposes of enhancing transportation security at airports  
2 and to determine how airports can implement uniform bio-  
3 metric identifier and interoperable security systems.

4 (b) AIRPORTS PARTICIPATING IN PROGRAM.—The  
5 Assistant Secretary shall select at least 7 airports, includ-  
6 ing at least 2 large airports, to participate in the dem-  
7 onstration program.

8 (c) INITIATION AND DURATION OF PROGRAM.—

9 (1) DEADLINE FOR INITIATION.—The Assistant  
10 Secretary shall conduct the demonstration program  
11 not later than one year after the date of enactment  
12 of this Act.

13 (2) DURATION.—The program shall have a du-  
14 ration of not less than 180 days and not more than  
15 one year.

16 (d) REQUIRED ELEMENTS.—In conducting the dem-  
17 onstration program, the Assistant Secretary shall—

18 (1) assess best operational, administrative, and  
19 management practices in creating uniform, stand-  
20 ards-based, and interoperable biometric identifier  
21 systems for all individuals with access to secure or  
22 sterile areas of commercial service airports; and

23 (2) conduct a risk-based analysis of the selected  
24 airports and other airports, as the Assistant Sec-  
25 retary determines appropriate, to identify where the

1 implementation of biometric identifier systems could  
2 benefit security.

3 (e) CONSIDERATIONS.—In conducting the demonstra-  
4 tion program, the Assistant Secretary shall consider, at  
5 a minimum, the following:

6 (1) PARALLEL SYSTEMS.—Existing parallel bio-  
7 metric transportation security systems applicable to  
8 workers with unescorted access to transportation  
9 systems, including—

10 (A) transportation worker identification  
11 credentials issued under section 70105 of title  
12 46, United States Code;

13 (B) armed law enforcement travel creden-  
14 tials issued under section 44903(h)(6) of title  
15 49, United States Code; and

16 (C) other credential and biometric identi-  
17 fier systems used by the Federal Government,  
18 as the Assistant Secretary considers appro-  
19 priate.

20 (2) EFFORTS BY TRANSPORTATION SECURITY  
21 ADMINISTRATION.—Any biometric identifier system  
22 or proposals developed by the Assistant Secretary.

23 (3) INFRASTRUCTURE AND TECHNICAL RE-  
24 QUIREMENTS.—The architecture, modules, inter-

1 faces, and transmission of data needed for airport  
2 security operations.

3 (4) EXISTING AIRPORT SYSTEMS.—

4 Credentialing and access control systems in use in  
5 secure and sterile areas of airports.

6 (5) ASSOCIATED COSTS.—The costs of imple-  
7 menting uniform, standards-based, and interoperable  
8 biometric identifier systems at airports, including—

9 (A) the costs to airport operators, airport  
10 workers, air carriers, and other aviation indus-  
11 try stakeholders; and

12 (B) the costs associated with ongoing oper-  
13 ations and maintenance and modifications and  
14 enhancements needed to support changes in  
15 physical and electronic infrastructure.

16 (6) INFORMATION FROM OTHER SOURCES.—

17 Recommendations, guidance, and information from  
18 other sources, including the Inspector General of the  
19 Department of Homeland Security, the Comptroller  
20 General, the heads of other governmental entities,  
21 organizations representing airport workers, and pri-  
22 vate individuals and organizations.

23 (f) IDENTIFICATION OF BEST PRACTICES.—In con-  
24 ducting the demonstration program, the Assistant Sec-  
25 retary shall identify best practices for the administration

1 of biometric identifier access at airports, including best  
2 practices for each of the following processes:

3 (1) Registration, vetting, and enrollment.

4 (2) Issuance.

5 (3) Verification and use.

6 (4) Expiration and revocation.

7 (5) Development of a cost structure for acquisi-  
8 tion of biometric identifier credentials.

9 (6) Development of redress processes for work-  
10 ers.

11 (g) CONSULTATION.—In conducting the demonstra-  
12 tion program, the Assistant Secretary shall consult with  
13 the Aviation Security Advisory Committee regarding how  
14 airports may transition to uniform, standards-based, and  
15 interoperable biometric identifier systems for airport  
16 workers and others with unescorted access to secure or  
17 sterile areas of an airport.

18 (h) EVALUATION.—The Assistant Secretary shall  
19 conduct an evaluation of the demonstration program to  
20 specifically assess best operational, administrative, and  
21 management practices in creating a standard, interoper-  
22 able, biometric identifier access system for all individuals  
23 with access to secure or sterile areas of commercial service  
24 airports.

1 (i) REPORT TO CONGRESS.—Not later than 180 days  
2 after the last day of that demonstration program ends,  
3 the Assistant Secretary shall submit to the appropriate  
4 congressional committees, including the Committee on  
5 Homeland Security of the House of Representatives, a re-  
6 port on the results of the demonstration program. The re-  
7 port shall include possible incentives for airports that vol-  
8 untarily seek to implement uniform, standards-based, and  
9 interoperable biometric identifier systems.

10 (j) BIOMETRIC IDENTIFIER SYSTEM DEFINED.—In  
11 this section, the term “biometric identifier system” means  
12 a system that uses biometric identifier information to  
13 match individuals and confirm identity for transportation  
14 security and other purposes.

15 (k) AUTHORIZATION OF APPROPRIATIONS.—From  
16 amounts authorized under section 101, there is authorized  
17 to be appropriated a total of \$20,000,000 to carry out this  
18 section for fiscal years 2010 and 2011.

19 **SEC. 224. TRANSPORTATION SECURITY TRAINING PRO-**  
20 **GRAMS.**

21 Not later than one year after the date of enactment  
22 of this Act, the Assistant Secretary shall establish recur-  
23 ring training of transportation security officers regarding  
24 updates to screening procedures and technologies in re-

1 sponse to weaknesses identified in covert tests at airports.

2 The training shall include—

3 (1) internal controls for monitoring and docu-  
4 menting compliance of transportation security offi-  
5 cers with training requirements;

6 (2) the availability of high-speed Internet and  
7 Intranet connectivity to all airport training facilities  
8 of the Administration; and

9 (3) such other matters as identified by the As-  
10 sistant Secretary with regard to training.

11 **SEC. 225. DEPLOYMENT OF TECHNOLOGY APPROVED BY**  
12 **SCIENCE AND TECHNOLOGY DIRECTORATE.**

13 (a) IN GENERAL.—The Assistant Secretary, in con-  
14 sultation with the Directorate of Science and Technology  
15 of the Department of Homeland Security, shall develop  
16 and submit to the appropriate committees of Congress, in-  
17 cluding the Committee on Homeland Security of the  
18 House of Representatives, a strategic plan for the certifi-  
19 cation and integration of technologies for transportation  
20 security with high approval or testing results from the Di-  
21 rectorate and the Transportation Security Laboratory of  
22 the Department.

23 (b) CONTENTS OF STRATEGIC PLAN.—The strategic  
24 plan developed under subsection (a) shall include—



1           (1) a cost-benefit analysis to assist in  
2 prioritizing investments in new checkpoint screening  
3 technologies that compare the costs and benefits of  
4 screening technologies being considered for develop-  
5 ment or acquisition with the costs and benefits of  
6 other viable alternatives;

7           (2) quantifiable performance measures to assess  
8 the extent to which investments in research, develop-  
9 ment, and deployment of checkpoint screening tech-  
10 nologies achieve performance goals for enhancing se-  
11 curity at airport passenger checkpoints; and

12           (3) a method to ensure that operational tests  
13 and evaluations have been successfully completed in  
14 an operational environment before deploying check-  
15 point screening technologies to airport checkpoints.

16 (c) REPORT TO CONGRESS.—

17           (1) IN GENERAL.—The Assistant Secretary  
18 shall submit to the appropriate committees of Con-  
19 gress, including the Committee on Homeland Secu-  
20 rity of the House of Representatives, an annual re-  
21 port on the status of all technologies that have un-  
22 dergone testing and evaluation, including tech-  
23 nologies that have been certified by the Department,  
24 and any technologies used in a demonstration pro-  
25 gram administered by the Administration. The re-

1 port shall also specify whether the technology was  
2 submitted by an academic institution, including an  
3 institution of higher education eligible to receive as-  
4 sistance under title III or V of the Higher Education  
5 Act of 1965 (20 U.S.C. 1051 et seq. and 1101 et  
6 seq.)

7 (2) **FIRST REPORT.**—The first report submitted  
8 under this subsection shall assess such technologies  
9 for a period of not less than 2 years.

10 **SEC. 226. IN-LINE BAGGAGE SCREENING STUDY.**

11 The Assistant Secretary shall consult with the Advi-  
12 sory Committee and report to the appropriate committees  
13 of Congress, including the Committee on Homeland Secu-  
14 rity of the House of Representatives, on deploying optimal  
15 baggage screening solutions and replacing baggage screen-  
16 ing equipment nearing the end of its life cycle at commer-  
17 cial service airports. Specifically, the report shall address  
18 the Administration’s plans, estimated costs, and current  
19 benchmarks for replacing explosive detection equipment  
20 that is nearing the end of its life cycle.

21 **SEC. 227. IN-LINE CHECKED BAGGAGE SCREENING SYS-**  
22 **TEMS.**

23 (a) **FINDINGS.**—Congress finds the following:

24 (1) Since its inception, the Administration has  
25 procured and installed over 2,000 explosive detection

1 systems (referred to in this section as “EDS”) and  
2 8,000 explosive trace detection (referred to in this  
3 section as “ETD”) systems to screen checked bag-  
4 gage for explosives at the Nation’s commercial air-  
5 ports.

6 (2) Initial deployment of stand-alone EDS ma-  
7 chines in airport lobbies resulted in operational inef-  
8 ficiencies and security risks as compared to using  
9 EDS machines integrated in-line with airport bag-  
10 gage conveyor systems.

11 (3) The Administration has acknowledged the  
12 advantages of fully integrating in-line checked bag-  
13 gage EDS systems, especially at large airports. Ac-  
14 cording to the Administration, in-line EDS systems  
15 have proven to be cost-effective and more accurate  
16 at detecting dangerous items.

17 (4) As a result of the large upfront capital in-  
18 vestment required, these systems have not been de-  
19 ployed on a wide-scale basis. The Administration es-  
20 timates that installing and operating the optimal  
21 checked baggage screening systems could potentially  
22 cost more than \$20,000,000,000 over 20 years.

23 (5) Nearly \$2,000,000,000 has been appro-  
24 priated for the installation of in-line explosive detec-

1       tion systems, including necessary baggage handling  
2       system improvements, since 2007.

3           (6) Despite substantial funding, the Adminis-  
4       tration has made limited progress in deploying opti-  
5       mal screening solutions, including in-line systems, to  
6       250 airports identified in its February 2006 stra-  
7       tegic planning framework.

8       (b) GAO REPORT.—The Comptroller General shall  
9       submit to the Committee on Homeland Security of the  
10      House of Representatives and the Committee on Com-  
11      merce, Science, and Transportation of the Senate a report  
12      on the Administration’s progress in deploying optimal bag-  
13      gage screening solutions and replacing aging baggage  
14      screening equipment at the Nation’s commercial airports.  
15      The report shall also include an analysis of the Adminis-  
16      tration’s methodology for expending public funds to deploy  
17      in-line explosive detection systems since 2007. The report  
18      shall address, at a minimum—

19           (1) the Administration’s progress in deploying  
20      optimal screening solutions at the Nation’s largest  
21      commercial airports, including resources obligated  
22      and expended through fiscal year 2009;

23           (2) the potential benefits and challenges associ-  
24      ated with the deployment of optimal screening solu-  
25      tions at the Nation’s commercial airports; and

1           (3) the Administration’s plans, estimated costs,  
2           and current milestones for replacing EDS machines  
3           that are nearing the end of their estimated useful  
4           product lives.

5           (c) **UPDATES REQUIRED.**—Not later than 6 months  
6 after submitting the report required in subsection (b) and  
7 every 6 months thereafter until the funds appropriated for  
8 such systems are expended, the Comptroller General shall  
9 provide the Committee on Homeland Security of the  
10 House of Representatives an update regarding its analysis  
11 of the Administration’s expenditures for explosive detec-  
12 tion and in-line baggage systems.

13 **SEC. 228. IG REPORT ON CERTAIN POLICIES FOR FEDERAL**  
14           **AIR MARSHALS.**

15           Not later than 120 days after the date of enactment  
16 of this Act, the Inspector General of the Department of  
17 Homeland Security shall review the minimum standards  
18 and policies regarding rest periods between deployments  
19 and any other standards or policies applicable to Federal  
20 air marshals reporting to duty. After such review, the In-  
21 spector General shall make any recommendations to such  
22 standards and policies the Inspector General considers  
23 necessary to ensure an alert and responsible workforce of  
24 Federal air marshals.

1 **SEC. 229. EXPLOSIVES DETECTION CANINE TEAMS MIN-**  
2 **IMUM FOR AVIATION SECURITY.**

3 (a) AVIATION SECURITY.—The Assistant Secretary  
4 shall ensure that the number of explosives detection canine  
5 teams for aviation security is not less than 250 through  
6 fiscal year 2011.

7 (b) CARGO SCREENING.—The Secretary shall in-  
8 crease the number of canine detection teams, as of the  
9 date of enactment of this Act, deployed for the purpose  
10 of meeting the 100 percent air cargo screening require-  
11 ment set forth in section 44901(g) of title 49, United  
12 States Code, by not less than 100 canine teams through  
13 fiscal year 2011.

14 **SEC. 230. ASSESSMENTS AND GAO REPORT OF INBOUND**  
15 **AIR CARGO SCREENING.**

16 Section 1602 of the Implementing Recommendations  
17 of the 9/11 Commission Act of 2007 (121 Stat. 478) is  
18 amended by inserting at the end the following:

19 “(c) ASSESSMENT OF INBOUND COMPLIANCE.—  
20 Upon establishment of the inbound air cargo screening  
21 system, the Assistant Secretary shall submit a report to  
22 the Committee on Homeland Security in the House of  
23 Representatives on the impact, rationale, and percentage  
24 of air cargo being exempted from screening under exemp-  
25 tions granted under section 44901(i)(1) of title 49, United  
26 States Code.

1       “(d) GAO REPORT.—Not later than 120 days after  
2 the date of enactment of this Act and quarterly thereafter,  
3 the Comptroller General shall review the air cargo screen-  
4 ing system for inbound passenger aircraft and report to  
5 the Committee on Homeland Security in the House of  
6 Representatives on the status of implementation, including  
7 the approximate percentage of cargo being screened, as  
8 well as the Administration’s methods to verify the screen-  
9 ing system’s implementation.”.

10 **SEC. 231. STATUS OF EFFORTS TO PROMOTE AIR CARGO**  
11 **SHIPPER CERTIFICATION.**

12       Not later than 180 days after the date of enactment  
13 of this Act, the Assistant Secretary shall submit to the  
14 Committee on Homeland Security of the House of Rep-  
15 resentatives and the Committee on Commerce, Science,  
16 and Transportation of the Senate a report on the status  
17 of the implementation of the Administration’s plan to pro-  
18 mote a program to certify the screening methods used by  
19 shippers in a timely manner, in accordance with section  
20 44901(g) of title 49, United States Code, including par-  
21 ticipation by shippers with robust and mature internal se-  
22 curity programs.

1 **SEC. 232. FULL AND OPEN COMPETITION IN SECURITY**

2 **BACKGROUND SCREENING SERVICE.**

3 Not later than 9 months after the date of enactment  
4 of this section, the Secretary shall publish in the Federal  
5 Register a notice that the selection process for security  
6 background screening services for persons requiring back-  
7 ground screening in the aviation industry is subject to full  
8 and open competition. The notice shall include—

9 (1) a statement that airports and other affected  
10 entities are not required to use a single service pro-  
11 vider of background screening services and may use  
12 the services of other providers approved by the As-  
13 sistant Secretary;

14 (2) any requirements for disposal of personally  
15 identifiable information by the approved provider by  
16 a date certain; and

17 (3) information on all technical specifications  
18 and other criteria required by the Assistant Sec-  
19 retary to approve a background screening service  
20 provider.

21 **SEC. 233. TRUSTED PASSENGER/REGISTERED TRAVELER**

22 **PROGRAM.**

23 (a) **ASSESSMENTS AND BACKGROUND CHECKS.—**

24 (1) **IN GENERAL.—**Subject to paragraph (2)  
25 and not later than 120 days after the date of enact-  
26 ment of this Act, to enhance aviation security



1 through risk management at airport checkpoints  
2 through use of a trusted passenger program, com-  
3 monly referred to as the Registered Traveler pro-  
4 gram, established pursuant to section 109(a)(3) of  
5 the Aviation Transportation Security Act (115 Stat.  
6 597), the Assistant Secretary shall—

7 (A) reinstate an initial and continuous se-  
8 curity threat assessment program as part of the  
9 Registered Traveler enrollment process; and

10 (B) allow Registered Traveler providers to  
11 perform private sector background checks as  
12 part of their enrollment process with assurance  
13 that the program shall be undertaken in a man-  
14 ner consistent with constitutional privacy and  
15 civil liberties protections and be subject to ap-  
16 proval and oversight by the Assistant Secretary.

17 (2) REQUIREMENTS.—The Assistant Secretary  
18 shall not reinstate the threat assessment component  
19 of the Registered Traveler program or allow certain  
20 background checks unless the Assistant Secretary—

21 (A) determines that the Registered Trav-  
22 eler program, in accordance with this sub-  
23 section, is integrated into risk-based aviation  
24 security operations; and

1 (B) expedites checkpoint screening, as ap-  
2 propriate, for Registered Traveler members who  
3 have been subjected to a security threat assess-  
4 ment and the private sector background check  
5 under this subsection.

6 (b) NOTIFICATION.—

7 (1) CONTENTS.—Not later than 180 days after  
8 the date of enactment of this Act, if the Assistant  
9 Secretary determines that the Registered Traveler  
10 program can be integrated into risk-based aviation  
11 security operations under subsection (a), the Assist-  
12 ant Secretary shall report to the Committee on  
13 Homeland Security of the House of Representatives  
14 and the Committee on Commerce, Science, and  
15 Transportation of the Senate regarding—

16 (A) the level of risk reduction provided by  
17 carrying out section (a); and

18 (B) how the Registered Traveler program  
19 has been integrated into risk-based aviation se-  
20 curity operations.

21 (2) CHANGES TO PROTOCOL.—The Assistant  
22 Secretary shall also set forth what changes to the  
23 program, including screening protocols, have been  
24 implemented to realize the full potential of the Reg-  
25 istered Traveler program.

1 (c) TREATMENT OF INDIVIDUALS WITH TOP SECRET  
2 SECURITY CLEARANCES.—Not later than 180 days after  
3 the date of enactment of this Act, the Assistant Secretary  
4 shall establish protocols to—

5 (1) verify the identity of United States citizens  
6 who participate in the Registered Traveler program  
7 and possess a valid top secret security clearance  
8 granted by the Federal Government; and

9 (2) allow alternative screening procedures for  
10 individuals described in paragraph (1), including  
11 random, risk-based screening determined necessary  
12 to respond to a specific threat to security identified  
13 pursuant to a security threat assessment.

14 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion shall be construed to authorize any nongovernmental  
16 entity to perform vetting against the terrorist screening  
17 database maintained by the Administration.

18 **SEC. 234. REPORT ON CABIN CREW COMMUNICATION.**

19 Not later than one year after the date of enactment  
20 of this Act, the Assistant Secretary, in consultation with  
21 the Advisory Committee established under section 44946  
22 of title 49, United States Code, shall prepare a report that  
23 assesses technologies and includes standards for the use  
24 of wireless devices to enhance transportation security on  
25 aircraft for the purpose of ensuring communication be-

1 tween and among cabin crew and pilot crewmembers, em-  
2 barked Federal air marshals, and authorized law enforce-  
3 ment officials, as appropriate.

4 **SEC. 235. AIR CARGO CREW TRAINING.**

5 The Assistant Secretary, in consultation with the Ad-  
6 visory Committee established under section 44946 of title  
7 49, United States Code, shall develop a plan for security  
8 training for the all-cargo aviation threats for pilots and,  
9 as appropriate, other crewmembers operating in all-cargo  
10 transportation.

11 **SEC. 236. REIMBURSEMENT FOR AIRPORTS THAT HAVE IN-**

12 **CURRED ELIGIBLE COSTS.**

13 (a) PROCESS.—Section 1604(b)(2) of the Imple-  
14 menting Recommendations of the 9/11 Commission Act of  
15 2007 (121 Stat. 481) is amended to read as follows:

16 “(2) AIRPORTS THAT HAVE INCURRED ELIGI-  
17 BLE COSTS.—

18 “(A) IN GENERAL.—Not later than 60  
19 days after the date of enactment of the Trans-  
20 portation Security Administration Authorization  
21 Act, the Assistant Secretary of Homeland Secu-  
22 rity (Transportation Security Administration)  
23 shall establish a process for resolving reim-  
24 bursement claims for airports that have in-  
25 curred, before the date of enactment of this

1 Act, eligible costs associated with development  
2 of partial or completed in-line baggage systems.

3 “(B) PROCESS FOR RECEIVING REIM-  
4 BURSEMENT.—The process shall allow an air-  
5 port—

6 “(i) to submit a claim to the Assistant  
7 Secretary for reimbursement for eligible  
8 costs described in subparagraph (A); and

9 “(ii) not later than 180 days after  
10 date on which the airport submits the  
11 claim, to receive a determination on the  
12 claim and, if the determination is positive,  
13 to be reimbursed.

14 “(C) REPORT.—Not later than 60 days  
15 after the date on which the Assistant Secretary  
16 establishes the process under subparagraph (B),  
17 the Assistant Secretary shall submit to the  
18 Committee on Homeland Security of the House  
19 of Representatives a report containing a de-  
20 scription of the process, including a schedule  
21 for the timely reimbursement of airports for  
22 which a positive determination has been  
23 made.”.

24 (b) REIMBURSEMENTS OF AIRPORTS FOR ELIGIBLE  
25 COSTS REIMBURSED AT LESS THAN 90 PERCENT.—If the

1 Secretary or Assistant Secretary reimbursed, after August  
2 3, 2007, an airport that incurred an amount for eligible  
3 costs under section 44923 of title 49, United States Code,  
4 that was less than 90 percent of such costs, the Secretary  
5 or Assistant Secretary shall reimburse such airport under  
6 such section an amount equal to the difference for such  
7 eligible costs.

8 **SEC. 237. REPORT ON WHOLE BODY IMAGING TECH-**  
9 **NOLOGY.**

10 Upon completion of the ongoing whole body imaging  
11 technology pilot, the Assistant Secretary shall submit a  
12 report to the Committee on Homeland Security of the  
13 House of Representatives and the Committee on Com-  
14 merce, Science, and Transportation of the Senate on the  
15 results of the pilot, including how privacy protections were  
16 integrated.

17 **SEC. 238. PROTECTIVE EQUIPMENT.**

18 (a) USE OF PERSONAL PROTECTIVE EQUIPMENT.—

19 (1) IN GENERAL.—Any personnel of the Trans-  
20 portation Security Administration voluntarily may  
21 wear personal protective equipment during any  
22 emergency.

23 (2) WRITTEN GUIDANCE.—Not later than 90  
24 days after the date of enactment of this Act, the  
25 Secretary of Homeland Security shall establish, co-

1       ordinate, and disseminate written guidance to per-  
2       sonnel of the Transportation Security Administra-  
3       tion to allow for the voluntary usage of personal pro-  
4       tective equipment.

5           (3) DEFINITION.—In this subsection, the term  
6       “personal protective equipment” includes surgical  
7       and N95 masks, gloves, and hand sanitizer.

8           (b) DEFINITION.—In this section the term “protec-  
9       tive equipment” includes surgical masks and N95 masks.

10   **SEC. 239. SECURITY SCREENING FOR MEMBERS OF THE**  
11                           **ARMED FORCES.**

12           (a) IN GENERAL.—Section 44903 of title 49, United  
13       States Code (as amended by this Act), is further amended  
14       by adding at the end the following:

15           “(n) SECURITY SCREENING FOR MEMBERS OF THE  
16       ARMED FORCES.—

17                   “(1) IN GENERAL.—The Assistant Secretary  
18       shall develop and implement a plan to provide expe-  
19       dited security screening services for a member of the  
20       Armed Forces, and any accompanying family mem-  
21       ber, when the member of the Armed Forces is trav-  
22       eling on official orders while in uniform through a  
23       primary airport (as defined by section 47102).

24                   “(2) PROTOCOLS.—In developing the plan, the  
25       Assistant Secretary shall consider—

1           “(A) leveraging existing security screening  
2 models used by airports and air carriers to re-  
3 duce passenger wait times before entering a se-  
4 curity screening checkpoint;

5           “(B) establishing standard guidelines for  
6 the screening of military uniform items, includ-  
7 ing combat boots; and

8           “(C) incorporating any new screening pro-  
9 tocols into an existing trusted passenger pro-  
10 gram, as established pursuant to section  
11 109(a)(3) of the Aviation and Transportation  
12 Security Act (115 Stat. 613), or into the devel-  
13 opment of any new credential or system that in-  
14 corporates biometric technology and other appli-  
15 cable technologies to verify the identity of indi-  
16 viduals traveling in air transportation.

17           “(3) REPORT TO CONGRESS.—The Assistant  
18 Secretary shall submit to the appropriate committees  
19 of Congress a report on the implementation of the  
20 plan.”.

21           (b) EFFECTIVE DATE.—Not later than one year after  
22 the date of enactment of this Act, the Assistant Secretary  
23 shall establish the plan required by the amendment made  
24 by subsection (a).



1 **SEC. 240. REPORT ON COMPLAINTS AND CLAIMS FOR LOSS**  
2 **OF PROPERTY FROM PASSENGER BAGGAGE.**

3 Not later than six months after the date of enactment  
4 of this Act, the Assistant Secretary shall report to the  
5 Committee on Homeland Security of the House of Rep-  
6 resentatives on complaints and claims received by the Ad-  
7 ministration for loss of property with respect to passenger  
8 baggage screened by the Administration, including—

9 (1) the number of such claims that are out-  
10 standing;

11 (2) the total value of property alleged in such  
12 outstanding claims to be missing;

13 (3) an estimate of the amount of time that will  
14 be required to resolve all such outstanding claims;

15 (4) the amount of Administration resources  
16 that will be devoted to resolving such outstanding  
17 claims, including the number of personnel and fund-  
18 ing; and

19 (5) efforts that the Administration is making or  
20 is planning to make to address passenger grievances  
21 regarding such losses, enhance passenger property  
22 security, and provide effective oversight of baggage  
23 screeners and other Administration personnel who  
24 come in contact with passenger property.

1 **SEC. 241. REPORT ON CERTAIN SECURITY PLAN.**

2 Not later than 90 days after the date of enactment  
3 of this Act, the Assistant Secretary shall submit a report  
4 to the appropriate committees of Congress that—

5 (1) reviews whether the most recent security  
6 plans developed by the commercial aviation airports  
7 in the United States territories meet the security  
8 concerns described in guidelines and other official  
9 documents issued by the Transportation Security  
10 Administration pertaining to parts 1544 and 1546  
11 of title 49, Code of Federal Regulations, particularly  
12 with regard to the commingling of passengers;

13 (2) makes recommendations regarding best  
14 practices supported by the Transportation Security  
15 Administration and any adequate alternatives that  
16 address the problems or benefits of commingling  
17 passengers at such airports to satisfy the concerns  
18 described in paragraph (1);

19 (3) reviews the potential costs of implementing  
20 the preferred and alternative methods to address the  
21 Administration concerns regarding parts 1544 and  
22 1546 of title 49, Code of Federal Regulations, par-  
23 ticularly in regards to the commingling of pas-  
24 sengers at the airport; and

1           (4) identifies funding sources, including grant  
2           programs, to implement improved security methods  
3           at such airports.

4 **SEC. 242. STUDY ON COMBINATION OF FACIAL AND IRIS**  
5 **RECOGNITION.**

6           (a) **STUDY REQUIRED.**—The Assistant Secretary  
7 shall carry out a study on the use of the combination of  
8 facial and iris recognition to rapidly identify individuals  
9 in security checkpoint lines. Such study shall focus on—

- 10           (1) increased accuracy of facial recognition;  
11           (2) enhancement of existing iris recognition  
12           technology; and  
13           (3) establishment of integrated face and iris  
14           features for accurate identification of individuals.

15           (b) **PURPOSE OF STUDY.**—The purpose of the study  
16 required by subsection (a) is to facilitate the use of a com-  
17 bination of facial and iris recognition to provide a higher  
18 probability of success in identification than either ap-  
19 proach on its own and to achieve transformational ad-  
20 vances in the flexibility, authenticity, and overall capability  
21 of integrated biometric detectors and satisfy one of major  
22 issues with war against terrorists. The operational goal  
23 of the study should be to provide the capability to non-  
24 intrusively collect biometrics (face image, iris) in less than

1 ten seconds without impeding the movement of individ-  
2 uals.

3 **SEC. 243. ISSUANCE OF REGULATIONS AND SECURITY DI-**  
4 **RECTIVES USING EMERGENCY PROCEDURES.**

5 (a) IN GENERAL.—Section 114(l) of title 49, United  
6 States Code, is amended—

7 (1) in paragraph (2)—

8 (A) in subparagraph (A) by striking “im-  
9 mediately in order to protect transportation se-  
10 curity” and inserting “in order to respond to an  
11 imminent threat of finite duration”; and

12 (B) in subparagraph (B) by inserting “to  
13 determine if the regulation or security directive  
14 is needed to respond to an imminent threat of  
15 finite duration” before the period at the end of  
16 the first sentence;

17 (2) by striking paragraph (3) and inserting the  
18 following:

19 “(3) FACTORS TO CONSIDER.—

20 “(A) IN GENERAL.—In determining wheth-  
21 er to issue, rescind, or revise a regulation or se-  
22 curity directive under this subsection, the  
23 Under Secretary shall consider, as factors in  
24 the final determination—

1           “(i) whether the costs of the regula-  
2           tion or security directive are excessive in  
3           relation to the enhancement of security the  
4           regulation or security directive will provide;

5           “(ii) whether the regulation or secu-  
6           rity directive will remain effective for more  
7           than a 90-day period; and

8           “(iii) whether the regulation or secu-  
9           rity directive will require revision in the  
10          subsequent 90-day period.

11          “(B) AUTHORITY TO WAIVE CERTAIN RE-  
12          QUIREMENTS.—For purposes of subparagraph  
13          (A)(i), the Under Secretary may waive require-  
14          ments for an analysis that estimates the num-  
15          ber of lives that will be saved by the regulation  
16          or security directive and the monetary value of  
17          such lives if the Under Secretary determines  
18          that it is not feasible to make such an esti-  
19          mate.”; and

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

21          “(5) RULEMAKING REQUIRED.—Any regulation  
22          or security directive issued under paragraph (2) that  
23          remains effective, with or without revision, for a pe-  
24          riod of more than 180 days shall be subject to a

1 rulemaking pursuant to subchapter II of chapter 5  
2 of title 5.”.

3 (b) APPLICABILITY.—The amendment made by sub-  
4 section (a)(3) shall apply to a regulation issued under sec-  
5 tion 114(l)(2) of title 49, United States Code, before, on,  
6 or after the date of enactment of this Act.

## 7 **TITLE III—SURFACE** 8 **TRANSPORTATION SECURITY**

### 9 **SEC. 301. ASSISTANT SECRETARY DEFINED.**

10 Section 1301 of the Implementing Recommendations  
11 of the 9/11 Commission Act of 2007 (6 U.S.C. 1111) is  
12 amended—

13 (1) by redesignating paragraphs (2) through  
14 (6) as paragraphs (3) through (7), respectively; and

15 (2) by inserting after paragraph (1) the fol-  
16 lowing:

17 “(2) ASSISTANT SECRETARY.—The term ‘As-  
18 sistant Secretary’ means the Assistant Secretary of  
19 Homeland Security (Transportation Security Admin-  
20 istration).”.

### 21 **SEC. 302. SURFACE TRANSPORTATION SECURITY INSPEC-** 22 **TION PROGRAM.**

23 (a) FINDINGS.—Congress finds the following:

24 (1) Surface transportation security inspectors  
25 assist passenger rail stakeholders in identifying secu-

1 rity gaps through Baseline Assessment for Security  
2 Enhancement (“BASE”) reviews, monitor freight  
3 rail stakeholder efforts to reduce the risk that toxic  
4 inhalation hazard shipments pose to high threat  
5 urban areas through Security Action Item (“SAI”) reviews,  
6 and assist in strengthening chain of custody  
7 security.

8 (2) Surface transportation security inspectors  
9 play a critical role in building and maintaining work-  
10 ing relationships with transit agencies and acting as  
11 liaisons between such agencies and the Transpor-  
12 tation Security Operations Center, relationships  
13 which are vital to effective implementation of the  
14 surface transportation security mission.

15 (3) In December 2006, the Transportation Se-  
16 curity Administration shifted from a system in which  
17 surface transportation security inspectors reported  
18 to surface-focused supervisors to a system in which  
19 inspectors report to aviation-focused supervisors in  
20 the field; a shift which has resulted in a strained  
21 chain of command, misappropriation of inspectors to  
22 nonsurface activities, the hiring of senior-level in-  
23 spectors with no surface qualifications, and signifi-  
24 cant damage to relationships with transit agencies  
25 and inspector morale.

1 (b) SURFACE TRANSPORTATION SECURITY INSPEC-  
2 TION OFFICE.—Section 1304 of the Implementing Rec-  
3 ommendations of the 9/11 Commission Act of 2007 (6  
4 U.S.C. 1113) is amended—

5 (1) by redesignating subsections (e) through (j)  
6 as subsections (b) through (i), respectively; and

7 (2) by striking subsections (a) and (b) and in-  
8 serting the following:

9 “(a) SURFACE TRANSPORTATION SECURITY INSPEC-  
10 TION OFFICE.—

11 “(1) ESTABLISHMENT.—The Secretary, acting  
12 through the Assistant Secretary, shall establish an  
13 office to be known as the Surface Transportation  
14 Security Inspection Office (in this section referred to  
15 as the ‘Office’).

16 “(2) MISSION.—The Secretary shall use the Of-  
17 fice to train, employ, and utilize surface transpor-  
18 tation security inspectors to—

19 “(A) assist surface transportation carriers,  
20 operators, owners, entities, and facilities to en-  
21 hance their security against terrorist attacks  
22 and other security threats; and

23 “(B) assist the Secretary in enforcing ap-  
24 plicable surface transportation security regula-  
25 tions and directives.



1 “(3) OFFICERS.—

2 “(A) DIRECTOR.—The head of the Office  
3 shall be the Director, who shall—

4 “(i) oversee and coordinate the activi-  
5 ties of the Office, including all officers and  
6 any corresponding surface transportation  
7 modes in which the Office carries out such  
8 activities, and the surface transportation  
9 security inspectors who assist in such ac-  
10 tivities; and

11 “(ii) act as the primary point of con-  
12 tact between the Office and other entities  
13 that support the Department’s surface  
14 transportation security mission to ensure  
15 efficient and appropriate use of surface  
16 transportation security inspectors and  
17 maintain strong working relationships with  
18 surface transportation security stake-  
19 holders.

20 “(B) DEPUTY DIRECTOR.—There shall be  
21 a Deputy Director of the Office, who shall—

22 “(i) assist the Director in carrying out  
23 the responsibilities of the Director under  
24 this subsection; and

1                   “(ii) serve as acting Director in the  
2                   absence of the Director and during any va-  
3                   cancy in the office of Director.

4                   “(4) APPOINTMENT.—

5                   “(A) IN GENERAL.—The Director and  
6                   Deputy Director shall be responsible on a full-  
7                   time basis for the duties and responsibilities de-  
8                   scribed in this subsection.

9                   “(B) CLASSIFICATION.—The position of  
10                  Director shall be considered a position in the  
11                  Senior Executive Service as defined in section  
12                  2101a of title 5, United States Code, and the  
13                  position of Deputy Director shall be considered  
14                  a position classified at grade GS–15 of the Gen-  
15                  eral Schedule.

16                  “(5) LIMITATION.—No person shall serve as an  
17                  officer under subsection (a)(3) while serving in any  
18                  other position in the Federal Government.

19                  “(6) FIELD OFFICES.—

20                  “(A) ESTABLISHMENT.—The Secretary  
21                  shall establish primary and secondary field of-  
22                  fices in the United States to be staffed by sur-  
23                  face transportation security inspectors in the  
24                  course of carrying out their duties under this  
25                  section.

1           “(B) DESIGNATION.—The locations for,  
2           and designation as ‘primary’ or ‘secondary’ of,  
3           such field offices shall be determined in a man-  
4           ner that is consistent with the Department’s  
5           risk-based approach to carrying out its home-  
6           land security mission.

7           “(C) COMMAND STRUCTURE.—

8           “(i) PRIMARY FIELD OFFICES.—Each  
9           primary field office shall be led by a chief  
10          surface transportation security inspector,  
11          who has significant experience with surface  
12          transportation systems, facilities, and oper-  
13          ations and shall report directly to the Di-  
14          rector.

15          “(ii) SECONDARY FIELD OFFICES.—  
16          Each secondary field office shall be led by  
17          a senior surface transportation security in-  
18          spector, who shall report directly to the  
19          chief surface transportation security in-  
20          spector of a geographically appropriate pri-  
21          mary field office, as determined by the Di-  
22          rector.

23          “(D) PERSONNEL.—Not later than 18  
24          months after the date of enactment of the

1           Transportation Security Administration Author-  
2           zation Act, field offices shall be staffed with—

3                   “(i) not fewer than 7 surface trans-  
4                   portation security inspectors, including one  
5                   chief surface transportation security in-  
6                   specter, at every primary field office; and

7                   “(ii) not fewer than 5 surface trans-  
8                   portation security inspectors, including one  
9                   senior surface transportation security in-  
10                  specter, at every secondary field office.”.

11          (c) NUMBER OF INSPECTORS.—Section 1304(e) of  
12 such Act (6 U.S.C. 1113(e)), as redesignated by sub-  
13 section (b) of this section, is amended to read as follows:

14          “(e) NUMBER OF INSPECTORS.—Subject to the avail-  
15 ability of appropriations, the Secretary shall hire not fewer  
16 than—

17                  “(1) 200 additional surface transportation secu-  
18 rity inspectors in fiscal year 2010; and

19                  “(2) 100 additional surface transportation secu-  
20 rity inspectors in fiscal year 2011.”.

21          (d) COORDINATION.—Section 1304(f) of such Act (6  
22 U.S.C. 1113(f)), as redesignated by subsection (b) of this  
23 section, is amended by striking “114(t)” and inserting  
24 “114(s)”.

1 (e) REPORT.—Section 1304(h) of such Act (6 U.S.C.  
2 1113(h)), as redesignated by subsection (b) of this section,  
3 is amended by striking “2008” and inserting “2011”.

4 (f) PLAN.—Section 1304(i) of such Act (6 U.S.C.  
5 1113(i)), as redesignated by subsection (b) of this section,  
6 is amended to read as follows:

7 “(i) PLAN.—

8 “(1) IN GENERAL.—Not later than 180 days  
9 after the date of enactment of the Transportation  
10 Security Administration Authorization Act, the Sec-  
11 retary shall submit to the Committee on Homeland  
12 Security of the House of Representatives and the  
13 Committee on Homeland Security and Governmental  
14 Affairs of the Senate a plan for expanding the duties  
15 and leveraging the expertise of surface transpor-  
16 tation security inspectors to further support the De-  
17 partment’s surface transportation security mission.

18 “(2) CONTENTS.—The plan shall include—

19 “(A) an analysis of how surface transpor-  
20 tation security inspectors could be used to con-  
21 duct oversight activities with respect to surface  
22 transportation security projects funded by rel-  
23 evant grant programs administered by the De-  
24 partment;

1           “(B) an evaluation of whether authorizing  
2           surface transportation security inspectors to ob-  
3           tain or possess law enforcement qualifications  
4           or status would enhance the capacity of the Of-  
5           fice to take an active role in the Department’s  
6           surface transportation security operations; and

7           “(C) any other potential functions relating  
8           to surface transportation security the Secretary  
9           determines appropriate.”.

10       (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
11 1304 of such Act (6 U.S.C. 1113) is amended by adding  
12 at the end the following:

13       “(j) AUTHORIZATION OF APPROPRIATIONS.—From  
14 amounts made available under section 101 of the Trans-  
15 portation Security Administration Authorization Act,  
16 there are authorized to be appropriated such sums as may  
17 be necessary to the Secretary to carry out this section for  
18 fiscal years 2010 and 2011.”.

19       (h) CONFORMING AMENDMENT.—Section 1304(b) of  
20 such Act (6 U.S.C. 1113(b)), as redesignated by sub-  
21 section (b) of this section, is amended by striking “sub-  
22 section (e)” and inserting “subsection (d)”.

1 **SEC. 303. VISIBLE INTERMODAL PREVENTION AND RE-**  
2 **SPONSE TEAMS.**

3 Section 1303 of the Implementing Recommendations  
4 of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is  
5 amended—

6 (1) in subsection (a) by striking “Administrator  
7 of the Transportation Security Administration,” and  
8 inserting “Assistant Secretary,”;

9 (2) in subsection (a)(4) by striking “team,” and  
10 inserting “team as to specific locations and times  
11 within their facilities at which VIPR teams should  
12 be deployed to maximize the effectiveness of such de-  
13 ployment and other matters,”; and

14 (3) by striking subsection (b) and inserting the  
15 following:

16 “(b) PERFORMANCE MEASURES.—Not later than one  
17 year after the date of enactment of the Transportation Se-  
18 curity Administration Authorization Act, the Secretary  
19 shall develop and implement a system of qualitative per-  
20 formance measures and objectives by which to assess the  
21 roles, activities, and effectiveness of VIPR team operations  
22 on an ongoing basis, including a mechanism through  
23 which the transportation entities listed in subsection  
24 (a)(4) may submit feedback on VIPR team operations in-  
25 volving their systems or facilities.

1       “(c) PLAN.—Not later than one year after the date  
2 of enactment of the Transportation Security Administra-  
3 tion Authorization Act, the Secretary shall develop and  
4 implement a plan for ensuring the interoperability of com-  
5 munications among all participating VIPR team compo-  
6 nents as designated under subsection (a)(1) and between  
7 VIPR teams and any relevant transportation entities as  
8 designated in subsection (a)(4) whose systems or facilities  
9 are involved in VIPR team operations, including an anal-  
10 ysis of the costs and resources required to carry out the  
11 plan.

12       “(d) AUTHORIZATION OF APPROPRIATIONS.—From  
13 amounts made available under section 101 of the Trans-  
14 portation Security Administration Authorization Act,  
15 there are authorized to be appropriated to the Secretary  
16 to carry out this section such sums as may be necessary  
17 for fiscal years 2010 and 2011.”.

18 **SEC. 304. SURFACE TRANSPORTATION SECURITY STAKE-**  
19 **HOLDER PARTICIPATION.**

20       (a) IN GENERAL.—Title XIII of the Implementing  
21 Recommendations of the 9/11 Commission Act of 2007 (6  
22 U.S.C. 1111 et seq.) is amended by adding at the end  
23 the following:

24 **“SEC. 1311. TRANSIT SECURITY ADVISORY COMMITTEE.**

25       “(a) ESTABLISHMENT.—



1           “(1) IN GENERAL.—The Assistant Secretary  
2 shall establish in the Transportation Security Ad-  
3 ministration an advisory committee, to be known as  
4 the Transit Security Advisory Committee (in this  
5 section referred to as the ‘Advisory Committee’), to  
6 assist the Assistant Secretary with issues pertaining  
7 to surface transportation security.

8           “(2) RECOMMENDATIONS.—

9           “(A) IN GENERAL.—The Assistant Sec-  
10 retary shall require the Advisory Committee to  
11 develop recommendations for improvements to  
12 surface transportation security planning, meth-  
13 ods, equipment, and processes.

14           “(B) PRIORITY ISSUES.—Not later than  
15 one year after the date of enactment of the  
16 Transportation Security Administration Author-  
17 ization Act, the Advisory Committee shall sub-  
18 mit to the Assistant Secretary recommendations  
19 on—

20           “(i) improving homeland security in-  
21 formation sharing between components of  
22 the Department of Homeland Security and  
23 surface transportation security stake-  
24 holders, including those represented on the  
25 Advisory Committee; and

1           “(ii) streamlining or consolidating re-  
2           dundant security background checks re-  
3           quired by the Department under relevant  
4           statutes governing surface transportation  
5           security, as well as redundant security  
6           background checks required by States  
7           where there is no legitimate homeland se-  
8           curity basis for requiring such checks.

9           “(3) MEETINGS.—The Assistant Secretary shall  
10          require the Advisory Committee to meet at least  
11          semiannually and may convene additional meetings  
12          as necessary.

13          “(4) UNPAID POSITION.—Advisory Committee  
14          Members shall serve at their own expense and re-  
15          ceive no salary, reimbursement for travel expenses,  
16          or other compensation from the Federal Govern-  
17          ment.

18          “(b) MEMBERSHIP.—

19          “(1) IN GENERAL.—The Assistant Secretary  
20          shall ensure that the Advisory Committee is com-  
21          posed of not more than one individual representing  
22          not more than 27 member organizations, including  
23          representatives from public transportation agencies,  
24          passenger rail agencies or operators, railroad car-  
25          riers, motor carriers, owners or operators of high-

1 ways, over-the-road bus operators and terminal own-  
2 ers and operators, pipeline operators, labor organiza-  
3 tions representing employees of such entities, and  
4 the surface transportation security technology indus-  
5 try.

6 “(2) APPOINTMENTS.—Members shall be ap-  
7 pointed by the Assistant Secretary and the Assistant  
8 Secretary shall have the discretion to review the par-  
9 ticipation of any Advisory Committee member and  
10 remove for cause at any time.

11 “(c) NONAPPLICABILITY OF FACCA.—The Federal  
12 Advisory Committee Act (5 U.S.C. App.) shall not apply  
13 to the Advisory Committee under this section.

14 “(d) PASSENGER CARRIER SECURITY WORKING  
15 GROUP.—

16 “(1) IN GENERAL.—The Assistant Secretary  
17 shall establish within the Advisory Committee a pas-  
18 senger carrier security working group to provide rec-  
19 ommendations for successful implementation of ini-  
20 tiatives relating to passenger rail, over-the-road bus,  
21 and public transportation security proposed by the  
22 Transportation Security Administration in accord-  
23 ance with statutory requirements, including relevant  
24 grant programs and security training provisions.

1           “(2) MEETINGS.—The working group shall  
2 meet at least semiannually and provide annual re-  
3 ports to the Assistant Secretary with recommenda-  
4 tions to improve the Transportation Security Admin-  
5 istration’s initiatives relating to passenger rail, over-  
6 the-road bus, and public transportation security, in-  
7 cluding grant, training, inspection, or other relevant  
8 programs authorized in titles XIII and XIV, and  
9 subtitle C of title XV of this Act.

10           “(3) MEMBERSHIP.—The working group shall  
11 be composed of members from the Advisory Com-  
12 mittee with expertise in public transportation, over-  
13 the-road bus, or passenger rail systems and oper-  
14 ations, all appointed by the Assistant Secretary.

15           “(4) REPORTS.—

16           “(A) IN GENERAL.—The working group  
17 shall prepare and submit reports to the Assist-  
18 ant Secretary in accordance with this para-  
19 graph that provide recommendations as de-  
20 scribed in paragraphs (1) and (2).

21           “(B) SUBMISSION.—Not later than one  
22 year after the date of enactment of the Trans-  
23 portation Security Administration Authorization  
24 Act, and on an annual basis thereafter, the  
25 working group shall submit a report on the

1 findings and recommendations developed under  
2 subparagraph (A) to the Assistant Secretary.

3 “(e) FREIGHT RAIL SECURITY WORKING GROUP.—

4 “(1) IN GENERAL.—The Assistant Secretary  
5 shall establish within the Advisory Committee a  
6 freight rail security working group to provide rec-  
7 ommendations for successful implementation of ini-  
8 tiatives relating to freight rail security proposed by  
9 the Transportation Security Administration in ac-  
10 cordance with statutory requirements, including rel-  
11 evant grant programs and security training provi-  
12 sions.

13 “(2) MEETINGS.—The working group shall  
14 meet at least semiannually and provide annual re-  
15 ports to the Assistant Secretary with recommenda-  
16 tions to improve the Transportation Security Admin-  
17 istration’s initiatives relating to freight rail security,  
18 including grant, training, inspection, or other rel-  
19 evant programs authorized in titles XIII and XV of  
20 this Act.

21 “(3) MEMBERSHIP.—The working group shall  
22 be composed of members from the Advisory Com-  
23 mittee with expertise in freight rail systems and op-  
24 erations, all appointed by the Assistant Secretary.

25 “(4) REPORTS.—

1           “(A) IN GENERAL.—The working group  
2 shall prepare and submit reports to the Assist-  
3 ant Secretary in accordance with this para-  
4 graph that provide recommendations as de-  
5 scribed in paragraphs (1) and (2).

6           “(B) SUBMISSION.—Not later than one  
7 year after the date of enactment of the Trans-  
8 portation Security Administration Authorization  
9 Act, and on an annual basis thereafter, the  
10 working group shall submit a report on the  
11 findings and recommendations developed under  
12 subparagraph (A) to the Assistant Secretary.”.

13           (b) CONFORMING AMENDMENT.—Section 1(b) of the  
14 Implementing Recommendations of the 9/11 Commission  
15 Act of 2007 (Public Law 110–53) is amended by adding  
16 at the end of title XIII (Transportation Security Enchant-  
17 ments) the following:

“Sec. 1311. Transit Security Advisory Committee.”.

18 **SEC. 305. HUMAN CAPITAL PLAN FOR SURFACE TRANSPOR-**  
19 **TATION SECURITY PERSONNEL.**

20           (a) IN GENERAL.—Not later than one year after the  
21 date of enactment of this Act, the Assistant Secretary  
22 shall submit to the Committee on Homeland Security of  
23 the House of Representatives and the Committee on  
24 Homeland Security and Governmental Affairs of the Sen-  
25 ate a human capital plan for hiring, training, managing,

1 and compensating surface transportation security per-  
2 sonnel, including surface transportation security inspec-  
3 tors.

4 (b) CONSULTATION.—In developing the human cap-  
5 ital plan, the Assistant Secretary shall consult with the  
6 chief human capital officer of the Department of Home-  
7 land Security, the Director of the Surface Transportation  
8 Security Inspection Office, the Inspector General of the  
9 Department of Homeland Security, and the Comptroller  
10 General.

11 (c) APPROVAL.—Prior to submission, the human cap-  
12 ital plan shall be reviewed and approved by the chief  
13 human capital officer of the Department of Homeland Se-  
14 curity.

15 **SEC. 306. SURFACE TRANSPORTATION SECURITY TRAIN-**  
16 **ING.**

17 (a) STATUS REPORT.—Not later than 30 days after  
18 the date of enactment of this Act, the Secretary shall sub-  
19 mit a report to the Committee on Homeland Security of  
20 the House of Representatives and the Committee on  
21 Homeland Security and Governmental Affairs of the Sen-  
22 ate on the status of the Department's implementation of  
23 sections 1408, 1517, and 1534 of the Implementing Rec-  
24 ommendations of the 9/11 Commission Act of 2007 (6  
25 U.S.C. 1137, 1167, and 1184), including detailed time-

1 frames for development and issuance of the transportation  
2 security training regulations required under such sections.

3 (b) PRIVATE PROVIDERS.—Not later than one year  
4 after the date of enactment of this Act, the Assistant Sec-  
5 retary shall identify criteria and establish a process for  
6 approving and maintaining a list of approved private  
7 third-party providers of security training with whom sur-  
8 face transportation entities may enter into contracts, as  
9 needed, for the purpose of satisfying security training re-  
10 quirements of the Department of Homeland Security, in-  
11 cluding requirements developed under sections 1408,  
12 1517, and 1534 of the Implementing Recommendations  
13 of the 9/11 Commission Act of 2007 (6 U.S.C. 1137,  
14 1167, and 1184), in accordance with section 103 of this  
15 Act.

16 **SEC. 307. IMPROVEMENT OF PUBLIC TRANSPORTATION SE-**  
17 **CURITY ASSISTANCE.**

18 (a) IN GENERAL.—Section 1406 of the Implementing  
19 Recommendations of the 9/11 Commission Act of 2007 (6  
20 U.S.C. 1135; Public Law 110–53) is amended—

21 (1) in subsection (b)(1)—

22 (A) in subparagraph (B), by inserting  
23 “bollards,” after “including”; and

24 (B) in subparagraph (D), by inserting  
25 after “including” the following: “projects for



1 the purpose of demonstrating or assessing the  
2 capability of such systems and”;

3 (2) by redesignating subsections (e) through (k)  
4 as subsections (f) through (l), respectively;

5 (3) by redesignating subsections (l) and (m) as  
6 subsections (n) and (o), respectively;

7 (4) by inserting after subsection (d) the fol-  
8 lowing new subsection (e):

9 “(e) PROCEDURE.—

10 “(1) TIMELINE.—

11 “(A) AVAILABILITY OF APPLICATIONS.—

12 Applications for grants under this section for a  
13 grant cycle shall be made available to eligible  
14 applicants not later than 30 days after the date  
15 of the enactment of the appropriations Act for  
16 the Department of Homeland Security for the  
17 same fiscal year as the grant cycle.

18 “(B) SUBMISSION OF APPLICATIONS.—A

19 public transportation agency that is eligible for  
20 a grant under this section shall submit an ap-  
21 plication for a grant not later than 45 days  
22 after the applications are made available under  
23 subparagraph (A).

24 “(C) ACTION.—The Secretary shall make a  
25 determination approving or rejecting each appli-

1 cation submitted under subparagraph (B), no-  
2 tify the applicant of the determination, and im-  
3 mediately commence any additional processes  
4 required to allow an approved applicant to  
5 begin to receive grant funds by not later than  
6 60 days after date on which the Secretary re-  
7 ceives the application.

8 “(2) PROHIBITION OF COST-SHARING REQUIRE-  
9 MENT.—No grant under this section may require  
10 any cost-sharing contribution from the grant recipi-  
11 ent or from any related State or local agency.

12 “(3) ANNUAL REPORT.—Not later than the  
13 date that is 180 days after the last determination  
14 made under paragraph (1)(C) for a grant cycle, the  
15 Secretary shall submit to the Committees on Appro-  
16 priations and Homeland Security of the House of  
17 Representatives and the Committees on Appropria-  
18 tions and Homeland Security and Governmental Af-  
19 fairs of the Senate a report that includes a list of  
20 all grant awarded under this section for that grant  
21 cycle for which the grant recipient is not, as of such  
22 date, able to receive grant funds and an explanation  
23 of why such funds have not yet been released for use  
24 by the recipient.

25 “(4) PERFORMANCE.—

1           “(A) DURATION.—The performance period  
2           for grants made under this section shall be a  
3           period of time not less than 36 months in dura-  
4           tion.

5           “(B) TIMING.—The performance period  
6           for any grant made under this section shall not  
7           begin to run until the recipient of the grant has  
8           been formally notified that funds provided  
9           under the terms of the grant have been released  
10          for use by the recipient.”;

11          (5) by inserting after subsection (l), as redesign-  
12          nated by paragraph (2) of this section, the following  
13          new subsection (m):

14          “(m) ACCESS.—The Secretary shall ensure that, for  
15          each grant awarded under this section, the Inspector Gen-  
16          eral of the Department is authorized to—

17                 “(1) examine any records of the grant recipient  
18                 or any contractors or subcontractors with which the  
19                 recipient enters into a contract, or any State or local  
20                 agency, that directly pertain to and involve trans-  
21                 actions relating to grants under this section; and

22                 “(2) interview any officer or employee of the re-  
23                 cipient, any contractors or subcontractors with  
24                 which the recipient enters into a contract, or State  
25                 or local agency regarding such transactions.”; and

1           (6) in subsection (o), as redesignated by para-  
2 graph (3) of this section—

3           (A) by striking paragraph (1) and insert-  
4 ing the following new paragraph (1):

5           “(1) IN GENERAL.—There is authorized to be  
6 appropriated to the Secretary to make grants under  
7 this section—

8           “(A) \$900,000,000 for fiscal year 2010,  
9 except that not more than 30 percent of such  
10 funds may be used for operational costs under  
11 subsection (b)(2) of this section; and

12           “(B) \$1,100,000,000 for fiscal year 2011,  
13 except that not more than 30 percent of such  
14 funds may be used for operational costs under  
15 subsection (b)(2) of this section.”;

16           (B) by redesignating paragraphs (3) and  
17 (4) as paragraphs (4) and (5), respectively; and

18           (C) by inserting after paragraph (2) the  
19 following new paragraph (3):

20           “(3) EXCEPTION.—The limitation on the per-  
21 centage of funds that may be used for operational  
22 costs under paragraph (1) shall not apply to any  
23 costs involved with or relating to explosives detection  
24 canine teams acquired or used for the purpose of se-  
25 curing public transportation systems or facilities.”.

1 (b) TECHNICAL ASSISTANCE PILOT PROGRAM.—

2 (1) PILOT PROGRAM REQUIRED.—

3 (A) IN GENERAL.—Not later than one year  
4 after the date of the enactment of this Act, the  
5 Assistant Secretary shall conduct and complete  
6 a pilot program to provide grants to not more  
7 than 7 public transportation agencies eligible  
8 for security grants under section 1406 of the  
9 Implementing Recommendations of the 9/11  
10 Commission Act of 2007 (6 U.S.C. 1135; Pub-  
11 lic Law 110–53) for the purpose of obtaining  
12 external technical support and expertise to as-  
13 sist such agencies in conducting comprehensive  
14 security risk assessments of public transpor-  
15 tation systems, resources, and facilities.

16 (B) METHODOLOGY.—Not later than 60  
17 days after the date of the enactment of this  
18 Act, the Assistant Secretary shall identify—

19 (i) a comprehensive risk methodology  
20 for conducting comprehensive security risk  
21 assessments using grants made under this  
22 subsection that accounts for all three ele-  
23 ments of risk, including threat, vulner-  
24 ability, and consequence; and

1           (ii) an approved third-party provider  
2 of technical support and expertise for the  
3 purpose of providing external assistance to  
4 grantees in conducting comprehensive se-  
5 curity risk assessments.

6 (C) PARTICIPANTS.—

7           (i) IN GENERAL.—In selecting public  
8 transportation agencies to participate in  
9 the pilot program, the Assistant Secretary  
10 shall approve eligible agencies based on a  
11 combination of factors, including risk,  
12 whether the agency has completed a com-  
13 prehensive security risk assessment re-  
14 ferred to in subparagraph (B)(i) within a  
15 year preceding the date of enactment of  
16 this Act, and geographic representation.

17           (ii) PRIOR EFFORTS.—No eligible  
18 public transportation agency may be de-  
19 nied participation in the pilot program on  
20 the grounds that it has applied for other  
21 grants administered by the Department for  
22 the purpose of conducting a comprehensive  
23 security risk assessment.

1 (D) PROHIBITIONS.—In carrying out the  
2 pilot program the Assistant Secretary shall en-  
3 sure that—

4 (i) grants awarded under the pilot  
5 program shall supplement and not replace  
6 other sources of Federal funding;

7 (ii) other sources of Federal funding  
8 are not taken into consideration when as-  
9 sistance is awarded under the pilot pro-  
10 gram; and

11 (iii) no aspect of the pilot program is  
12 conducted or administered by a component  
13 of the Department other than the Trans-  
14 portation Security Administration.

15 (2) REPORT.—Not later than 180 days after  
16 the completion of the pilot program, the Assistant  
17 Secretary shall submit to the Committee on Home-  
18 land Security of the House of Representatives a re-  
19 port on the results of the pilot program, including  
20 an analysis of the feasibility and merit of expanding  
21 the pilot program to a permanent program and any  
22 recommendations determined appropriate by the As-  
23 sistant Secretary.

24 (3) AUTHORIZATION OF APPROPRIATIONS.—Of  
25 amounts made available pursuant to section 101 for

1 fiscal year 2010, \$7,000,000 shall be available to the  
2 Assistant Secretary to carry out this subsection. Any  
3 amount made available to the Assistant Secretary  
4 pursuant to this paragraph shall remain available  
5 until the end of fiscal year 2011.

6 (c) REPORT ON RECOMMENDATIONS OF COMP-  
7 TROLLER GENERAL.—

8 (1) REPORT REQUIRED.—Not later than 90  
9 days after the date of the enactment of this Act, the  
10 Secretary of Homeland Security shall submit to the  
11 Committee on Homeland Security of the House of  
12 Representatives and the Committee on Homeland  
13 Security and Governmental Affairs of the Senate a  
14 report on the status of the Secretary's implementa-  
15 tion of the recommendations of the Comptroller Gen-  
16 eral with respect to the improvement of the adminis-  
17 tration of security grants under section 1406 of the  
18 Implementing Recommendations of the 9/11 Com-  
19 mission Act of 2007 (6 U.S.C. 1135; Public Law  
20 110–53).

21 (2) REVIEW BY INSPECTOR GENERAL.—Before  
22 the Secretary submits the report required under  
23 paragraph (1), the report shall be reviewed by the  
24 Inspector General of the Department of Homeland  
25 Security. When the Secretary submits the report to



1 Congress under paragraph (1), the Secretary shall  
2 include with the report documentation verifying that  
3 the report was reviewed by the Inspector General in  
4 accordance with this paragraph.

5 **SEC. 308. INTERNATIONAL LESSONS LEARNED FOR SECUR-**  
6 **ING PASSENGER RAIL AND PUBLIC TRANS-**  
7 **PORTATION SYSTEMS.**

8 (a) FINDINGS.—Congress finds that—

9 (1) numerous terrorist attacks since September  
10 11, 2001, have targeted passenger rail or public  
11 transportation systems;

12 (2) nearly 200 people were killed and almost  
13 2,000 more were injured when terrorists set off 10  
14 simultaneous explosions on 4 commuter trains in  
15 Madrid, Spain, on March 11, 2004;

16 (3) 50 people were killed and more than 700 in-  
17 jured in successive bombings of 3 transit stations  
18 and a public bus in London, England, on July 7,  
19 2005, and a second attack against 4 similar targets  
20 on July 21, 2005, failed because of faulty deto-  
21 nators;

22 (4) more than 200 people were killed and more  
23 than 700 injured in simultaneous terrorist bombings  
24 of commuter trains on the Western Line in the sub-  
25 urbs of Mamba, India, on July 11, 2006;

1           (5) the acts of terrorism in Mamba, India, on  
2           November 26, 2008, included commando-style at-  
3           tacks on a major railway station; and

4           (6) a disproportionately low amount of atten-  
5           tion and resources have been devoted to surface  
6           transportation security by the Department of Home-  
7           land Security, including the security of passenger  
8           rail and public transportation systems, as compared  
9           with aviation security, which has been the primary  
10          focus of Federal transportation security efforts gen-  
11          erally, and of the Transportation Security Adminis-  
12          tration in particular.

13          (b) STUDY.—The Comptroller General shall conduct  
14          a study on the efforts undertaken by the Secretary and  
15          Assistant Secretary, as well as other entities determined  
16          by the Comptroller General to have made significant ef-  
17          forts, since January 1, 2004, to learn from foreign nations  
18          that have been targets of terrorist attacks on passenger  
19          rail and public transportation systems in an effort to iden-  
20          tify lessons learned from the experience of such nations  
21          to improve the execution of Department functions to ad-  
22          dress transportation security gaps in the United States.

23          (c) REPORT.—

24                 (1) IN GENERAL.—Not later than one year  
25                 after the date of enactment of this Act, the Comp-

1 troller General shall submit to the Committee on  
2 Homeland Security of the House of Representatives  
3 and the Committee on Homeland Security and Gov-  
4 ernmental Affairs of the Senate a report on the re-  
5 sults of the study. The report shall also include an  
6 analysis of relevant legal differences that may affect  
7 the ability of the Department to apply lessons  
8 learned.

9 (2) **RECOMMENDATIONS.**—The Comptroller  
10 General shall include in the report recommendations  
11 on how the Department and its components, includ-  
12 ing the Transportation Security Administration, can  
13 expand efforts to learn from the expertise and the  
14 security practices of passenger rail and public trans-  
15 portation systems in foreign nations that have expe-  
16 rienced terrorist attacks on such systems.

17 **SEC. 309. UNDERWATER TUNNEL SECURITY DEMONSTRATION PROJECT.**  
18

19 (a) **DEMONSTRATION PROJECT.**—The Assistant Sec-  
20 retary, in consultation with the Under Secretary for  
21 Science and Technology, shall conduct a full-scale dem-  
22 onstration project to test and assess the feasibility and  
23 effectiveness of certain technologies to enhance the secu-  
24 rity of underwater public transportation tunnels against

1 terrorist attacks involving the use of improvised explosive  
2 devices.

3 (b) INFLATABLE PLUGS.—

4 (1) IN GENERAL.—At least one of the tech-  
5 nologies tested under subsection (a) shall be inflat-  
6 able plugs that may be rapidly deployed to prevent  
7 flooding of a tunnel.

8 (2) FIRST TECHNOLOGY TESTED.—Not later  
9 than 180 days after the date of enactment of this  
10 Act, the Assistant Secretary shall carry out a dem-  
11 onstration project that tests the effectiveness of  
12 using inflatable plugs for the purpose described in  
13 paragraph (1).

14 (c) REPORT TO CONGRESS.—Not later than 180 days  
15 after completion of the demonstration project under this  
16 section, the Assistant Secretary shall submit a report to  
17 the appropriate committees of Congress, including the  
18 Committee on Homeland Security of the House of Rep-  
19 resentatives, on the results of the demonstration project.

20 (d) AUTHORIZATION OF APPROPRIATION.—Of the  
21 amounts made available under section 101 for fiscal year  
22 2010, \$8,000,000 shall be available to carry out this sec-  
23 tion.

1 **SEC. 310. PASSENGER RAIL SECURITY DEMONSTRATION**  
2 **PROJECT.**

3 (a) **DEMONSTRATION PROJECT.**—The Assistant Sec-  
4 retary, in consultation with the Under Secretary for  
5 Science and Technology, shall conduct a demonstration  
6 project in a passenger rail system to test and assess the  
7 feasibility and effectiveness of technologies to strengthen  
8 the security of passenger rail systems against terrorist at-  
9 tacks involving the use of improvised explosive devices.

10 (b) **SECURITY TECHNOLOGIES.**—The demonstration  
11 project under this section shall test and assess tech-  
12 nologies to—

13 (1) detect improvised explosive devices on sta-  
14 tion platforms, through the use of foreign object de-  
15 tection programs in conjunction with cameras; and

16 (2) defeat improvised explosive devices left on  
17 rail tracks.

18 (c) **REPORT TO CONGRESS.**—Not later than 180 days  
19 after completion of the demonstration project under this  
20 section, the Assistant Secretary shall submit a report to  
21 the appropriate committees of Congress, including the  
22 Committee on Homeland Security of the House of Rep-  
23 resentatives, on the results of the demonstration project.

1 **SEC. 311. EXPLOSIVES DETECTION CANINE TEAMS.**

2 Section 1307 of the Implementing Recommendations  
3 of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is  
4 amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)(A), by striking  
7 “2010” and inserting “2011”; and

8 (B) by adding at the end the following new  
9 paragraph:

10 “(3) ALLOCATION.—

11 “(A) IN GENERAL.—The Secretary shall  
12 increase the number of canine teams certified  
13 by the Transportation Security Administration  
14 for the purpose of passenger rail and public  
15 transportation security activities to not less  
16 than 200 canine teams by the end of fiscal year  
17 2011.

18 “(B) COOPERATIVE AGREEMENTS.—The  
19 Secretary shall expand the use of canine teams  
20 to enhance passenger rail and public transpor-  
21 tation security by entering into cooperative  
22 agreements with passenger rail and public  
23 transportation agencies eligible for security as-  
24 sistance under section 1406 of this Act for the  
25 purpose of deploying and maintaining canine  
26 teams to such agencies for use in passenger rail

1 or public transportation security activities and  
2 providing for assistance in an amount not less  
3 than \$75,000 for each canine team deployed, to  
4 be adjusted by the Secretary for inflation.

5 “(C) AUTHORIZATION OF APPROPRIA-  
6 TIONS.—From amounts made available under  
7 section 101 of the Transportation Security Ad-  
8 ministration Authorization Act, there are au-  
9 thorized to be appropriated to the Secretary  
10 such sums as may be necessary to carry out  
11 this paragraph for fiscal years 2010 and  
12 2011.”;

13 (2) in subsection (d)—

14 (A) in paragraph (3), by striking “and”;

15 (B) in paragraph (4), by striking the pe-  
16 riod at the end and inserting the following: “;  
17 and”; and

18 (C) by adding at the end the following new  
19 paragraph:

20 “(5) expand the use of canine teams trained to  
21 detect vapor wave trails in passenger rail and public  
22 transportation security environments, as the Sec-  
23 retary, in consultation with the Assistant Secretary,  
24 determines appropriate.”;

1           (3) in subsection (e), by striking “, if appro-  
2           priate,” and inserting “, to the extent practicable,”;  
3           and

4           (4) by striking subsection (f) and inserting the  
5           following new subsection (f):

6           “(f) REPORT.—Not later than one year after the date  
7 of the enactment of the Transportation Security Adminis-  
8 tration Authorization Act, the Comptroller General shall  
9 submit to the appropriate congressional committees a re-  
10 port on—

11           “(1) utilization of explosives detection canine  
12 teams to strengthen security in passenger rail and  
13 public transportation environments;

14           “(2) the capacity of the national explosive de-  
15 tection canine team program as a whole; and

16           “(3) how the Assistant Secretary could better  
17 support State and local passenger rail and public  
18 transportation entities in maintaining certified ca-  
19 nine teams for the life of the canine, including by  
20 providing financial assistance.”.

21 **SEC. 312. DEPUTY ASSISTANT SECRETARY FOR SURFACE**  
22 **TRANSPORTATION SECURITY.**

23           (a) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that—



1           (1) the Transportation Security Administra-  
2           tion’s capacity to address surface transportation se-  
3           curity would be enhanced significantly by estab-  
4           lishing a position of Deputy Assistant Secretary for  
5           Surface Transportation Security to lead the Trans-  
6           portation Security Administration’s surface trans-  
7           portation security mission; and

8           (2) a Deputy Assistant Secretary for Surface  
9           Transportation Security could provide the focused  
10          leadership and resource management necessary to  
11          implement the policies and programs that are crit-  
12          ical to securing surface transportation modes and  
13          ensure the effectiveness of the Surface Transpor-  
14          tation Security Inspection Office, security policy and  
15          grant functions affecting surface transportation  
16          modes, and the Transit Security Advisory Com-  
17          mittee.

18          (b) REPORT.—

19           (1) IN GENERAL.—Not later than 270 days  
20           after the date of enactment of this Act, the Inspec-  
21           tor General of the Department of Homeland Secu-  
22           rity shall submit to the Committee on Homeland Se-  
23           curity of the House of Representatives and the Com-  
24           mittee on Homeland Security and Governmental Af-  
25           fairs of the Senate a report on the feasibility and

1 merit of establishing a Deputy Assistant Secretary  
2 for Surface Transportation Security in the Trans-  
3 portation Security Administration to reflect the re-  
4 ality of security threats that are faced by all modes  
5 of transportation in the United States and also  
6 whether establishing the position of a Deputy Assist-  
7 ant Secretary for Aviation Security would more ef-  
8 fectively streamline or enhance the operational and  
9 policymaking capabilities of the Transportation Se-  
10 curity Administration for all transportation modes.

11 (2) RECOMMENDATIONS.—The Inspector Gen-  
12 eral shall include in the report recommendations  
13 on—

14 (A) the most effective and efficient ways to  
15 organize offices, functions, personnel, and pro-  
16 grams of the Transportation Security Adminis-  
17 tration under or among all respective Deputy  
18 Assistant Secretary positions to be created;

19 (B) what offices, functions, personnel, and  
20 programs of the Transportation Security Ad-  
21 ministration would best remain outside of the  
22 scope of any new Deputy Assistant Secretary  
23 positions in order that such offices, functions,  
24 personnel, and programs maintain the status of

1 reporting directly to the Assistant Secretary;  
2 and

3 (C) any other relevant matters, as the In-  
4 spector General determines appropriate.

5 **SEC. 313. PUBLIC HEARINGS ON SECURITY ASSISTANCE**  
6 **GRANT PROGRAM AND THE RESTRICTION OF**  
7 **SECURITY IMPROVEMENT PRIORITIES.**

8 (a) PUBLIC HEARINGS.—Not later than 180 days  
9 after the date of the enactment of this Act, the Assistant  
10 Secretary shall conduct public hearings on the administra-  
11 tion of the security assistance grant program under sec-  
12 tion 1406 of the Implementing Recommendations of the  
13 9/11 Commission Act of 2007 (6 U.S.C. 1135). The As-  
14 sistant Secretary shall—

15 (1) solicit information and input from the 5  
16 urban areas that receive the largest amount of grant  
17 funds under such section, including recipients pro-  
18 viding mass transportation and passenger rail serv-  
19 ices; and

20 (2) solicit feedback from such recipients on  
21 whether current allowable uses of grant funds under  
22 the regulations or guidance implementing the grant  
23 program are sufficient to address security improve-  
24 ment priorities identified by transit agencies.

1 (b) REPORT TO CONGRESS.—The Assistant Sec-  
2 retary shall submit to the Committees on Appropriations  
3 and Homeland Security of the House of Representatives  
4 and the Committees on Appropriations and Homeland Se-  
5 curity and Governmental Affairs of the Senate a report  
6 on the findings of the public hearings conducted under  
7 paragraph (1). The report shall include—

8 (1) the Assistant Secretary’s determinations  
9 with respect to the extent to which security improve-  
10 ment priorities identified by transit agencies are not  
11 met by the regulations or guidance implementing the  
12 grant program; and

13 (2) how such regulations or guidance should be  
14 changed to accommodate such priorities, or the As-  
15 sistant Secretary’s justification for not addressing  
16 such priorities with the grant program.

17 **TITLE IV—TRANSPORTATION**  
18 **SECURITY ENHANCEMENTS**

19 **Subtitle A—Security**  
20 **Enhancements**

21 **SEC. 401. REPORT AND RECOMMENDATION FOR UNIFORM**  
22 **SECURITY BACKGROUND CHECKS.**

23 Not later than one year after the date of enactment  
24 of this Act, the Comptroller General shall submit to the

1 Committee on Homeland Security of the House of Rep-  
2 resentatives a report that contains—

3 (1) a review of background checks and forms of  
4 identification required under State and local trans-  
5 portation security programs;

6 (2) a determination as to whether the back-  
7 ground checks and forms of identification required  
8 under such programs duplicate or conflict with Fed-  
9 eral programs; and

10 (3) recommendations on limiting the number of  
11 background checks and forms of identification re-  
12 quired under such programs to reduce or eliminate  
13 duplication with Federal programs.

14 **SEC. 402. ANIMAL-PROPELLED VESSELS.**

15 Notwithstanding section 70105 of title 46, United  
16 States Code, the Secretary shall not require an individual  
17 to hold a transportation security card, or be accompanied  
18 by another individual who holds such a card if—

19 (1) the individual has been issued a license, cer-  
20 tificate of registry, or merchant mariner's document  
21 under part E of subtitle II of title 46, United States  
22 Code;

23 (2) the individual is not allowed unescorted ac-  
24 cess to a secure area designated in a vessel or facil-  
25 ity security plan approved by the Secretary; and

1           (3) the individual is engaged in the operation of  
2           a live animal-propelled vessel.

3 **SEC. 403. REQUIREMENTS FOR ISSUANCE OF TRANSPOR-**  
4                   **TATION SECURITY CARDS; ACCESS PENDING**  
5                   **ISSUANCE; REDUNDANT BACKGROUND**  
6                   **CHECKS.**

7           Section 70105 of title 46, United States Code, is  
8 amended by adding at the end the following new sub-  
9 sections:

10           “(n) ESCORTING.—The Secretary shall coordinate  
11 with owners and operators subject to this section to allow  
12 any individual who has a pending application for a trans-  
13 portation security card under this section or is waiting for  
14 reissuance of such card, including any individual whose  
15 card has been lost or stolen, and who needs to perform  
16 work in a secure or restricted area to have access to such  
17 area for that purpose through escorting of such individual  
18 in accordance with subsection (a)(1)(B) by another indi-  
19 vidual who holds a transportation security card.

20           “(o) PROCESSING TIME.—The Secretary shall review  
21 an initial transportation security card application and re-  
22 spond to the applicant, as appropriate, including the mail-  
23 ing of an Initial Determination of Threat Assessment let-  
24 ter, within 30 days after receipt of the initial application.  
25 The Secretary shall, to the greatest extent practicable, re-

1 view appeal and waiver requests submitted by a transpor-  
2 tation security card applicant, and send a written decision  
3 or request for additional information required for the ap-  
4 peal or waiver determination, within 30 days after receipt  
5 of the applicant's appeal or waiver written request. For  
6 an applicant that is required to submit additional informa-  
7 tion for an appeal or waiver determination, the Secretary  
8 shall send a written decision, to the greatest extent prac-  
9 ticable, within 30 days after receipt of all requested infor-  
10 mation.

11       “(p) RECEIPT OF CARDS.—Within 180 days after the  
12 date of enactment of the Transportation Security Admin-  
13 istration Authorization Act, the Secretary shall develop a  
14 process to permit an individual approved for a transpor-  
15 tation security card under this section to receive the card  
16 at the individual's place of residence.

17       “(q) FINGERPRINTING.—The Secretary shall estab-  
18 lish procedures providing for an individual who is required  
19 to be fingerprinted for purposes of this section to be  
20 fingerprinted at facilities operated by or under contract  
21 with an agency of the Department of the Secretary that  
22 engages in fingerprinting the public for transportation se-  
23 curity or other security purposes.

24       “(r) REDUNDANT BACKGROUND CHECKS.—The Sec-  
25 retary shall prohibit a State or political subdivision thereof

1 from requiring a separate security background check for  
2 any purpose for which a transportation security card is  
3 issued under this section. The Secretary may waive the  
4 application of this subsection with respect to a State or  
5 political subdivision thereof if the State or political sub-  
6 division demonstrates a compelling homeland security rea-  
7 son that a separate security background check is nec-  
8 essary.”.

9 **SEC. 404. HARMONIZING SECURITY CARD EXPIRATIONS.**

10 Section 70105(b) of title 46, United States Code, is  
11 amended by adding at the end the following new para-  
12 graph:

13 “(6) The Secretary may extend for up to one year  
14 the expiration of a biometric transportation security card  
15 required by this section to align the expiration with the  
16 expiration of a license, certificate of registry, or merchant  
17 mariner document required under chapter 71 or 73.”.

18 **SEC. 405. SECURING AVIATION FROM EXTREME TERRORIST**

19 **THREATS.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) In 2001, Congress gave the Assistant Sec-  
22 retary, Transportation Security Administration, the  
23 task to “develop policies, strategies, and plans for  
24 dealing with threats to transportation security”. The  
25 individuals currently held at the Naval Station,



1 Guantanamo Bay, Cuba, were detained during  
2 armed conflict and pose a serious and continuing  
3 threat to the transportation security interests of the  
4 United States and its allies.

5 (2) Terrorists, including Khalid Sheikh Moham-  
6 mad, the admitted mastermind of the September 11,  
7 2001 terrorist attacks, have clearly demonstrated  
8 their desire and intent to use airplanes as weapons  
9 to kill innocent Americans. The August 2006 liquid  
10 explosive plot to take down 10 commercial airliners  
11 over the United States is positive proof that air  
12 transportation continues to be a target.

13 (3) In light of al Qaeda's propensity to conduct  
14 aviation-related attacks and the fact that, according  
15 to the Department of Defense, at least 74 former  
16 Guantanamo Bay detainees once considered "non-  
17 threatening" are recidivists to terrorism, restrictions  
18 on the air travel of former detainees are necessary  
19 to protect the public from future attacks.

20 (4) Therefore, individuals who are or have been  
21 detained at Guantanamo should not be allowed to fly  
22 commercially in the United States and should be  
23 added to the Transportation Security Administra-  
24 tion's No Fly List, until the President certifies that

1 each individual detainee poses no threat to the  
2 United States, its citizens, or its allies.

3 (b) PROHIBITION OF DETAINEE USE OF COMMER-  
4 CIAL AVIATION.—Section 44903(j)(2)(C) of title 49,  
5 United States Code, as amended by section 213 of the bill,  
6 is further amended by adding at the end the following:

7 “(vi) INCLUSION OF DETAINEES ON  
8 NO FLY LIST.—The Assistant Secretary, in  
9 coordination with the Terrorist Screening  
10 Center, shall include on the No Fly List  
11 any individual who was a detainee held at  
12 the Naval Station, Guantanamo Bay,  
13 Cuba, unless the President certifies in  
14 writing to Congress that the detainee poses  
15 no threat to the United States, its citizens,  
16 or its allies. For purposes of this clause,  
17 the term ‘detainee’ means an individual in  
18 the custody or under the physical control  
19 of the United States as a result of armed  
20 conflict.”.

21 **SEC. 406. PIPELINE SECURITY STUDY.**

22 (a) STUDY.—The Comptroller General shall conduct  
23 a study regarding the roles and responsibilities of the De-  
24 partment of Homeland Security and the Department of

1 Transportation with respect to pipeline security. The  
2 study shall address whether—

3           (1) the Annex to the Memorandum of Under-  
4 standing executed on August 9, 2006, between the  
5 Department of Homeland Security and the Depart-  
6 ment of Transportation adequately delineates stra-  
7 tegic and operational responsibilities for pipeline se-  
8 curity, including whether it is clear which Depart-  
9 ment is responsible for—

10           (A) protecting against intentional pipeline  
11 breaches;

12           (B) responding to intentional pipeline  
13 breaches; and

14           (C) planning to recover from the effects of  
15 intentional pipeline breaches;

16           (2) the respective roles and responsibilities of  
17 each Department are adequately conveyed to rel-  
18 evant stakeholders and to the public; and

19           (3) the processes and procedures for deter-  
20 mining whether a particular pipeline breach is a ter-  
21 rorist incident are clear and effective.

22           (b) REPORT ON STUDY.—Not later than 180 days  
23 after the date of enactment of this section, the Comp-  
24 troller General shall submit to the Committee on Home-  
25 land Security in the House of Representatives a report

1 containing the findings of the study conducted under sub-  
2 section (a).

3 (c) REPORT TO CONGRESS.—Not later than 90 days  
4 after the issuance of the report regarding the study con-  
5 ducted pursuant to this section, the Secretary of Home-  
6 land Security shall review and analyze the study and sub-  
7 mit to the Committee on Homeland Security of the House  
8 of Representatives a report on such review and analysis,  
9 including any recommendations for—

10 (1) changes to the Annex to the Memorandum  
11 of Understanding described in subsection (a)(1); and

12 (2) other improvements to pipeline security ac-  
13 tivities at the Department of Homeland Security.

14 **SEC. 407. TRANSPORTATION SECURITY ADMINISTRATION**  
15 **CENTRALIZED TRAINING FACILITY.**

16 (a) STUDY.—The Secretary of Homeland Security  
17 shall carry out a study on the feasibility of establishing  
18 a centralized training center for advanced security train-  
19 ing provided by the Transportation Security Administra-  
20 tion for the purpose of enhancing aviation security.

21 (b) CONSIDERATIONS.—In conducting the study, the  
22 Secretary shall take into consideration the benefits, costs,  
23 equipment, personnel needs, and building requirements for  
24 establishing such a training center and if the benefits of

1 establishing the center are an efficient use of resources  
 2 for training transportation security officers.

3 (c) REPORT.—Not later than one year after the date  
 4 of enactment of this Act, the Secretary shall submit to  
 5 the Committee on Homeland Security of the House of  
 6 Representatives and the Committee on Commerce,  
 7 Science, and Transportation of the Senate a report re-  
 8 garding the results of the study.

9 **Subtitle B—SAFE Truckers Act of**  
 10 **2009**

11 **SEC. 431. SHORT TITLE.**

12 This subtitle may be cited as the “Screening Applied  
 13 Fairly and Equitably to Truckers Act of 2009” or the  
 14 “SAFE Truckers Act of 2009”.

15 **SEC. 432. SURFACE TRANSPORTATION SECURITY.**

16 (a) IN GENERAL.—The Homeland Security Act of  
 17 2002 (6 U.S.C. 101 et seq.) is amended by adding at the  
 18 end the following:

19 **“TITLE XXI—SURFACE**  
 20 **TRANSPORTATION SECURITY**

21 **“SEC. 2101. TRANSPORTATION OF SECURITY SENSITIVE MA-**  
 22 **TERIALS.**

23 “(a) SECURITY SENSITIVE MATERIALS.—Not later  
 24 than 120 days after the date of enactment of this section,  
 25 the Secretary shall issue final regulations, after notice and

1 comment, defining security sensitive materials for the pur-  
2 poses of this title.

3 “(b) MOTOR VEHICLE OPERATORS.—The Secretary  
4 shall prohibit an individual from operating a motor vehicle  
5 in commerce while transporting a security sensitive mate-  
6 rial unless the individual holds a valid transportation secu-  
7 rity card issued by the Secretary under section 70105 of  
8 title 46, United States Code.

9 “(c) SHIPPERS.—The Secretary shall prohibit a per-  
10 son from—

11 “(1) offering a security sensitive material for  
12 transportation by motor vehicle in commerce; or

13 “(2) causing a security sensitive material to be  
14 transported by motor vehicle in commerce,

15 unless the motor vehicle operator transporting the security  
16 sensitive material holds a valid transportation security  
17 card issued by the Secretary under section 70105 of title  
18 46, United States Code.

19 **“SEC. 2102. ENROLLMENT LOCATIONS.**

20 “(a) FINGERPRINTING LOCATIONS.—The Secretary  
21 shall—

22 “(1) work with appropriate entities to ensure  
23 that fingerprinting locations for individuals applying  
24 for a transportation security card under section

1 70105 of title 46, United States Code, have flexible  
2 operating hours; and

3 “(2) permit an individual applying for such  
4 transportation security card to utilize a  
5 fingerprinting location outside of the individual’s  
6 State of residence to the greatest extent practicable.

7 “(b) RECEIPT AND ACTIVATION OF CARDS.—The  
8 Secretary shall develop guidelines and procedures to per-  
9 mit an individual to receive a transportation security card  
10 under section 70105 of title 46, United States Code, at  
11 the individual’s place of residence and to activate the card  
12 at any enrollment center.

13 “(c) NUMBER OF LOCATIONS.—The Secretary shall  
14 develop and implement a plan—

15 “(1) to offer individuals applying for a trans-  
16 portation security card under section 70105 of title  
17 46, United States Code, the maximum number of  
18 fingerprinting locations practicable across diverse ge-  
19 ographic regions; and

20 “(2) to conduct outreach to appropriate stake-  
21 holders, including owners, operators, and relevant  
22 entities (and labor organizations representing em-  
23 ployees of such owners, operators, and entities), to  
24 keep the stakeholders informed of the timeframe and

1 locations for the opening of additional fingerprinting  
2 locations.

3 “(d) AUTHORIZATION.—There are authorized to be  
4 appropriated such sums as may be necessary to carry out  
5 this section.

6 **“SEC. 2103. AUTHORITY TO ENSURE COMPLIANCE.**

7 “(a) IN GENERAL.—The Secretary is authorized to  
8 ensure compliance with this title.

9 “(b) MEMORANDUM OF UNDERSTANDING.—The Sec-  
10 retary may enter into a memorandum of understanding  
11 with the Secretary of Transportation to ensure compliance  
12 with section 2101.

13 **“SEC. 2104. CIVIL PENALTIES.**

14 “A person that violates this title or a regulation or  
15 order issued under this title is liable to the United States  
16 Government pursuant to the Secretary’s authority under  
17 section 114(v) of title 49, United States Code.

18 **“SEC. 2105. COMMERCIAL MOTOR VEHICLE OPERATORS**  
19 **REGISTERED TO OPERATE IN MEXICO OR**  
20 **CANADA.**

21 “The Secretary shall prohibit a commercial motor ve-  
22 hicle operator licensed to operate in Mexico or Canada  
23 from operating a commercial motor vehicle transporting  
24 a security sensitive material in commerce in the United  
25 States until the operator has been subjected to, and not



1 disqualified as a result of, a security background records  
2 check by a Federal agency that the Secretary determines  
3 is similar to the security background records check re-  
4 quired for commercial motor vehicle operators in the  
5 United States transporting security sensitive materials in  
6 commerce.

7 **“SEC. 2106. OTHER SECURITY BACKGROUND CHECKS.**

8       “The Secretary shall determine that an individual ap-  
9 plying for a transportation security card under section  
10 70105 of title 46, United States Code, has met the back-  
11 ground check requirements for such card if the individual  
12 was subjected to, and not disqualified as a result of, a  
13 security background records check by a Federal agency  
14 that the Secretary determines is equivalent to or more  
15 stringent than the background check requirements for  
16 such card.

17 **“SEC. 2107. REDUNDANT BACKGROUND CHECKS.**

18       “(a) IN GENERAL.—After the date of enactment of  
19 this title, the Secretary shall prohibit a State or political  
20 subdivision thereof from requiring a separate security  
21 background check of an individual seeking to transport  
22 hazardous materials.

23       “(b) WAIVERS.—The Secretary may waive the appli-  
24 cation of subsection (a) with respect to a State or political  
25 subdivision thereof if the State or political subdivision

1 demonstrates a compelling homeland security reason that  
2 a separate security background check is necessary to en-  
3 sure the secure transportation of hazardous materials in  
4 the State or political subdivision.

5 “(c) LIMITATION ON STATUTORY CONSTRUCTION.—  
6 Nothing in this section shall limit the authority of a State  
7 to ensure that an individual has the requisite knowledge  
8 and skills to safely transport hazardous materials in com-  
9 merce.

10 **“SEC. 2108. TRANSITION.**

11 “(a) TREATMENT OF INDIVIDUALS RECEIVING PRIOR  
12 HAZARDOUS MATERIALS ENDORSEMENTS.—The Sec-  
13 retary shall treat an individual who has obtained a haz-  
14 ardous materials endorsement in accordance with section  
15 1572 of title 49, Code of Federal Regulations, before the  
16 date of enactment of this title, as having met the back-  
17 ground check requirements of a transportation security  
18 card under section 70105 of title 46, United States Code,  
19 subject to reissuance or expiration dates of the hazardous  
20 materials endorsement.

21 “(b) REDUCTION IN FEES.—The Secretary shall re-  
22 duce, to the greatest extent practicable, any fees associ-  
23 ated with obtaining a transportation security card under  
24 section 70105 of title 46, United States Code, for any indi-  
25 vidual referred to in subsection (a).

1 **“SEC. 2109. SAVINGS CLAUSE.**

2 “Nothing in this title shall be construed as affecting  
3 the authority of the Secretary of Transportation to regu-  
4 late hazardous materials under chapter 51 of title 49,  
5 United States Code.

6 **“SEC. 2110. DEFINITIONS.**

7 “In this title, the following definitions apply:

8 “(1) **COMMERCE.**—The term ‘commerce’ means  
9 trade or transportation in the jurisdiction of the  
10 United States—

11 “(A) between a place in a State and a  
12 place outside of the State; or

13 “(B) that affects trade or transportation  
14 between a place in a State and a place outside  
15 of the State.

16 “(2) **HAZARDOUS MATERIAL.**—The term ‘haz-  
17 arduous material’ has the meaning given that term in  
18 section 5102 of title 49, United States Code.

19 “(3) **PERSON.**—The term ‘person’, in addition  
20 to its meaning under section 1 of title 1, United  
21 States Code—

22 “(A) includes a government, Indian tribe,  
23 or authority of a government or tribe offering  
24 security sensitive material for transportation in  
25 commerce or transporting security sensitive ma-  
26 terial to further a commercial enterprise; but

1           “(B) does not include—  
2                   “(i) the United States Postal Service;  
3                   and  
4                   “(ii) in section 2104, a department,  
5                   agency, or instrumentality of the Govern-  
6                   ment.

7           “(4) SECURITY SENSITIVE MATERIAL.—The  
8           term ‘security sensitive material’ has the meaning  
9           given that term in section 1501 of the Implementing  
10          Recommendations of the 9/11 Commission Act of  
11          2007 (6 U.S.C. 1151).

12          “(5) TRANSPORTS; TRANSPORTATION.—The  
13          term ‘transports’ or ‘transportation’ means the  
14          movement of property and loading, unloading, or  
15          storage incidental to such movement.”.

16 **SEC. 433. CONFORMING AMENDMENT.**

17          The table of contents contained in section 1(b) of the  
18          Homeland Security Act of 2002 (116 Stat. 2135) is  
19          amended by adding at the end the following:

          “TITLE XXI—SURFACE TRANSPORTATION SECURITY

          “Sec. 2101. Transportation of security sensitive materials.

          “Sec. 2102. Enrollment locations.

          “Sec. 2103. Authority to ensure compliance.

          “Sec. 2104. Civil penalties.

          “Sec. 2105. Commercial motor vehicle operators registered to operate in Mexico  
  or Canada.

          “Sec. 2106. Other security background checks.

          “Sec. 2107. Redundant background checks.

          “Sec. 2108. Transition.

          “Sec. 2109. Savings clause.

          “Sec. 2110. Definitions.”.

1 **SEC. 434. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.**

2 Section 5103a of title 49, United States Code, and  
3 the item relating to that section in the analysis for chapter  
4 51 of such title, are repealed.

5 **SEC. 435. DEADLINES AND EFFECTIVE DATES.**

6 (a) ISSUANCE OF TRANSPORTATION SECURITY  
7 CARDS.—Not later than May 31, 2010, the Secretary shall  
8 begin issuance of transportation security cards under sec-  
9 tion 70105 of title 46, United States Code, to individuals  
10 who seek to operate a motor vehicle in commerce while  
11 transporting security sensitive materials.

12 (b) EFFECTIVE DATE OF PROHIBITIONS.—The pro-  
13 hibitions contained in sections 2101 and 2106 of the  
14 Homeland Security Act of 2002 (as added by this subtitle)  
15 shall take effect on the date that is 3 years after the date  
16 of enactment of this Act.

17 (c) EFFECTIVE DATE OF SECTION 434 AMEND-  
18 MENTS.—The amendments made by section 434 of this  
19 Act shall take effect on the date that is 3 years after the  
20 date of enactment of this Act.

21 **SEC. 436. TASK FORCE ON DISQUALIFYING CRIMES.**

22 (a) ESTABLISHMENT.—The Secretary shall establish  
23 a task force to review the lists of crimes that disqualify  
24 individuals from transportation-related employment under  
25 current regulations of the Transportation Security Admin-

1 istration and assess whether such lists of crimes are accu-  
2 rate indicators of a terrorism security risk.

3 (b) MEMBERSHIP.—The task force shall be composed  
4 of representatives of appropriate industries, including  
5 labor unions representing employees of such industries,  
6 Federal agencies, and other appropriate entities, as deter-  
7 mined by the Secretary.

8 (c) REPORT.—Not later than 180 days after the date  
9 of enactment of this Act, the task force shall submit to  
10 the Secretary and the Committee on Homeland Security  
11 of the House of Representatives a report containing the  
12 results of the review, including recommendations for a  
13 common list of disqualifying crimes and the rationale for  
14 the inclusion of each crime on the list.

Passed the House of Representatives June 4, 2009.

Attest: LORRAINE C. MILLER,  
*Clerk.*