

115TH CONGRESS
1ST SESSION

H. R. 4474

To enhance the security of surface transportation assets, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2017

Mrs. WATSON COLEMAN (for herself, Mr. THOMPSON of Mississippi, Ms. JACKSON LEE, Mr. LANGEVIN, Mr. PAYNE, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To enhance the security of surface transportation assets,
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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Surface Transportation and Public Area Security Act of
6 2017”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—SECURITY RESOURCES

- Sec. 101. Transit Security Grant Program.
- Sec. 102. Reimbursement for law enforcement operations.
- Sec. 103. Visible Intermodal Prevention and Response teams.
- Sec. 104. Explosives detection canine teams for surface transportation security.
- Sec. 105. Surface transportation security inspectors.
- Sec. 106. Frontline employee security training.
- Sec. 107. Local law enforcement security training.

TITLE II—SECURITY STRATEGY, ASSESSMENTS, AND RESEARCH

- Sec. 201. National strategy for transportation security review.
- Sec. 202. Risk scenarios.
- Sec. 203. Assessments and security plans.
- Sec. 204. Research and development.
- Sec. 205. Innovative technologies and capabilities.

TITLE III—INFORMATION SHARING AND OPERATIONAL
COORDINATION

- Sec. 301. Threat information sharing.
- Sec. 302. Integrated and unified operations centers.
- Sec. 303. Suspicious activity reporting.
- Sec. 304. Security technologies tied to foreign threat countries.

TITLE IV—PUBLIC AREA SECURITY

- Sec. 401. Public area security working group.
- Sec. 402. Technical assistance.
- Sec. 403. Firearms and ammunition in public areas.
- Sec. 404. Best practices to secure against vehicle-based attacks.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (a) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—

4 The term “appropriate congressional committees” means
 5 the Committee on Homeland Security of the House of
 6 Representatives and the Committee on Commerce,
 7 Science, and Transportation of the Senate.

8 (b) **SURFACE TRANSPORTATION ASSET.**—The term
 9 “surface transportation asset” includes facilities, equip-
 10 ment, or systems used to provide transportation services
 11 by—

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

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

8 (3) an owner or operator of—

9 (A) an entity offering scheduled, fixed-
10 route transportation services by over-the road
11 bus (as such term is defined in section 1501(4)
12 of the Implementing Recommendations of the
13 9/11 Commission Act of 2007 (Public Law
14 110–53; 6 U.S.C. 1151(4))); or

15 (B) a bus terminal; or

16 (4) other transportation facilities, equipment, or
17 systems, as determined by the Secretary.

18 (c) PUBLIC AND PRIVATE SECTOR STAKE-
19 HOLDERS.—The term “public and private sector stake-
20 holders” has the meaning given such term in section
21 114(u)(1)(C) of title 49, United States Code.

22 (d) TRANSPORTATION FACILITY.—The term “trans-
23 portation facility” means a bus terminal, intercity or com-
24 muter passenger rail station, airport, multi-modal trans-

1 portation center, or other transportation facility, as deter-
2 mined by the Secretary of Homeland Security.

3 **TITLE I—SECURITY RESOURCES**

4 **SEC. 101. TRANSIT SECURITY GRANT PROGRAM.**

5 Section 1406 of the Implementing Recommendations
6 of the 9/11 Commission Act of 2007 (Public Law 110–
7 53; 6 U.S.C. 1135), is amended—

8 (1) in subsection (m)(1)—

9 (A) in subparagraph (D), by striking
10 “and” after the semicolon;

11 (B) in subparagraph (E), by striking the
12 period and inserting “; and”; and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(F) \$400,000,000 for each of fiscal years
16 2018 through 2022 to make grants under this
17 section.”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(n) PERIOD OF PERFORMANCE.—Grant funds pro-
21 vided under this section may be used for projects with a
22 duration of not longer than 36 months.”.

1 **SEC. 102. REIMBURSEMENT FOR LAW ENFORCEMENT OP-**
2 **ERATIONS.**

3 Subtitle A of title XV of the Implementing Rec-
4 ommendations of the 9/11 Commission Act of 2007 (Pub-
5 lic Law 110–53; 6 U.S.C. 1151 et seq.) is amended by
6 adding at the end the following new section:

7 **“SEC. 1505. LAW ENFORCEMENT REIMBURSEMENT AGREE-**
8 **MENT PROGRAM.**

9 “(a) IN GENERAL.—The Secretary shall establish a
10 law enforcement officer reimbursement agreement pro-
11 gram for State, local, and other public authorities to re-
12 ceive reimbursement of non-Federal funds utilized for
13 transportation security operations as identified by the Sec-
14 retary as covered activities.

15 “(b) USE.—Not less than one-third of funds provided
16 under the program established pursuant to this section
17 shall be used for surface transportation security oper-
18 ations, as identified by the Secretary.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated \$67,500,000 for each of
21 fiscal years 2018 through 2022 to carry out this section.”.

22 **SEC. 103. VISIBLE INTERMODAL PREVENTION AND RE-**
23 **SPONSE TEAMS.**

24 (a) NUMBER OF TEAMS; AUTHORIZATION OF APPRO-
25 PRIATIONS.—Subsection (b) of section 1303 of the Imple-
26 menting Recommendations of the 9/11 Commission Act of

1 2007 (Public Law 110–53; 6 U.S.C. 1112) is amended
2 by—

3 (1) striking “more” and inserting “fewer”; and

4 (2) striking “through 2018” and inserting
5 “through 2022”.

6 (b) ADEQUACY OF RESOURCES.—Not later than Jan-
7 uary 31, 2019, and each year thereafter for five years,
8 the Administrator of the Transportation Security Admin-
9 istration shall annually assess whether the number of Visi-
10 ble Intermodal Prevention and Response (VIPR) teams is
11 adequate to respond to requests for collaboration from
12 public and private sector stakeholders and to carry out
13 counterterrorism activities with respect to United States
14 transportation systems.

15 (c) PERFORMANCE MEASURES.—Not later than one
16 year after the date of the enactment of this Act, the Ad-
17 ministrator of the Transportation Security Administration
18 shall develop a system of qualitative performance meas-
19 ures and objectives by which to assess the roles, activities,
20 and effectiveness of VIPR team operations on an ongoing
21 basis, including a mechanism through which transpor-
22 tation entities may submit feedback on VIPR team oper-
23 ations involving the systems or facilities of such entities.

24 (d) INTEROPERABILITY.—Not later than one year
25 after the date of the enactment of this Act, the Adminis-

1 trator of the Transportation Security Administration shall
2 develop a plan to ensure interoperable communications
3 among and within VIPR teams and between VIPR teams
4 and, to the extent practicable, transportation entities with
5 systems or facilities involved in VIPR team operations.

6 **SEC. 104. EXPLOSIVES DETECTION CANINE TEAMS FOR**
7 **SURFACE TRANSPORTATION SECURITY.**

8 (a) INCREASED CAPACITY.—Not later than two years
9 after the date of the enactment of this Act, the Secretary
10 of Homeland Security shall increase by at least 200 the
11 number of State and local law enforcement-led explosives
12 detection canine teams trained and certified by the Trans-
13 portation Security Administration that are dedicated to
14 surface transportation security.

15 (b) DEPLOYMENT.—Explosives detection canine
16 teams trained and certified under subsection (a) shall be
17 deployed to surface transportation assets in a risk-based
18 manner, to address specific threats, or on an as-needed
19 basis. Such teams may also be used on a more limited
20 basis for the security of other transportation modes and
21 to support other homeland security missions, as deter-
22 mined appropriate by the Secretary of Homeland Security.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section—

25 (1) \$23,900,000 for fiscal year 2018; and

1 (2) \$20,300,000 for each of fiscal years 2019
2 through 2022.

3 **SEC. 105. SURFACE TRANSPORTATION SECURITY INSPEC-**
4 **TORS.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Sub-
6 section (j) of section 1304 of the Implementing Rec-
7 ommendations of the 9/11 Commission Act of 2007 (Pub-
8 lic Law 110–53; 6 U.S.C. 1113) is amended by striking
9 “this section” and all that follows through the period at
10 the end and inserting “this section such sums as may be
11 necessary for each of fiscal years 2018 through 2022.”.

12 (b) STRATEGY.—Not later than 180 days after the
13 date of the enactment of this Act, the Administrator of
14 the Transportation Security Administration shall submit
15 to the appropriate congressional committees and the
16 Comptroller General of the United States a strategy to
17 guide operations of surface transportation security inspec-
18 tors that addresses the following:

19 (1) Any limitations in data systems for such in-
20 spectors, as identified by the Comptroller General.

21 (2) Alignment of operations with risk assess-
22 ment findings, including an approach to identifying
23 and prioritizing entities and locations for inspec-
24 tions.

1 (3) Measurable objectives for the surface trans-
2 portation security inspectors program.

3 (c) **COMPTROLLER GENERAL REVIEW.**—Not later
4 than 180 days after the submission of the strategy re-
5 quired under subsection (b), the Comptroller General of
6 the United States shall review such strategy and, as ap-
7 propriate, issue recommendations.

8 **SEC. 106. FRONTLINE EMPLOYEE SECURITY TRAINING.**

9 (a) **TIMELINE.**—Not later than 60 days after the
10 date of the enactment of this Act, the Secretary of Home-
11 land Security shall submit to the appropriate congres-
12 sional committees and the Inspector General of the De-
13 partment of Homeland Security a report on the status of
14 regulations for a security training program to prepare
15 transportation employees for potential security threats
16 and conditions as set forth in sections 1408, 1517, and
17 1534 of the Implementing Recommendations of the 9/11
18 Commission Act of 2007 (6 U.S.C. 1137, 1167, and 1184)
19 that includes a timeline for the issuance of a final rule-
20 making subsequent to the December 16, 2016, publication
21 in the Federal Register of a notice of proposed rule-
22 making.

23 (b) **INSPECTOR GENERAL REVIEW.**—Not later than
24 120 days after submission of the report under subsection
25 (a), the Inspector General of the Department of Homeland

1 Security shall submit to the appropriate congressional
2 committees a review of such report that includes informa-
3 tion on—

4 (1) departmental efforts to finalize rulemaking;

5 and

6 (2) recommendations, as necessary, to ensure
7 implementation of the regulations referred to in sub-
8 section (a).

9 **SEC. 107. LOCAL LAW ENFORCEMENT SECURITY TRAINING.**

10 (a) **IN GENERAL.**—The Secretary of Homeland Secu-
11 rity, in consultation with public and private sector stake-
12 holders, may develop, through the Federal Law Enforce-
13 ment Training Center, a training program to enhance the
14 protection, preparedness, and response capabilities of law
15 enforcement agencies to a terrorist attack against a sur-
16 face transportation asset.

17 (b) **REQUIREMENTS.**—If the Secretary of Homeland
18 Security develops the training program described in sub-
19 section (a), such training program shall—

20 (1) be informed by current information regard-
21 ing terrorist tactics;

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

1 (3) prioritize training officers from law enforce-
2 ment agencies that are eligible for the Homeland Se-
3 curity Grant Program under section 2002 of the
4 Homeland Security Act of 2002 (6 U.S.C. 603) and
5 officers employed by railroad carriers that operate
6 interstate passenger service.

7 **TITLE II—SECURITY STRATEGY,**
8 **ASSESSMENTS, AND RESEARCH**

9 **SEC. 201. NATIONAL STRATEGY FOR TRANSPORTATION SE-**
10 **CURITY REVIEW.**

11 Not later than one year after the date of the enact-
12 ment of this Act, the Comptroller General of the United
13 States shall evaluate the degree to which the 2016 Bien-
14 nial National Strategy for Transportation Security, as re-
15 quired pursuant to section 114(s) of title 49, United
16 States Code, that was issued on August 11, 2016, by the
17 Administrator of the Transportation Security Administra-
18 tion, is reflected in Federal transportation security pro-
19 grams, budgets, research, and related efforts and, in car-
20 rying out such evaluation, shall consider the degree to
21 which—

22 (1) such strategy is sufficiently forward-looking
23 to guide future Federal efforts;

1 (2) Federal programs, budgets, staffing levels,
2 research, and related efforts for fiscal year 2018 and
3 beyond are guided by such strategy; and

4 (3) the annual progress reports submitted to
5 Congress pursuant to such section subsequent to the
6 issuance of such strategy provide information on the
7 degree to which such strategy guides Federal efforts.

8 **SEC. 202. RISK SCENARIOS.**

9 (a) IN GENERAL.—The Secretary of Homeland Secu-
10 rity shall annually develop, consistent with the transpor-
11 tation modal security plans required under section 114(s)
12 of title 49, United States Code, risk-based priorities based
13 on risk assessments conducted or received by the Sec-
14 retary across all transportation modes that consider
15 threats, vulnerabilities, and consequences.

16 (b) SCENARIOS.—The Secretary of Homeland Secu-
17 rity shall ensure that the risk-based priorities identified
18 pursuant to subsection (a) are informed by analysis of ter-
19 rorist attack scenarios for each transportation mode, in-
20 cluding cyber attack scenarios and intelligence and open
21 source information about current and evolving threats.

22 (c) REPORT.—Not later than 120 days after each de-
23 velopment under subsection (a), the Secretary of Home-
24 land Security shall submit to the appropriate congres-
25 sional committees a report that includes the following:

1 (1) Copies of the risk assessments for each
2 transportation mode.

3 (2) A summary that ranks the risks within and
4 across modes.

5 (3) A description of the risk-based priorities for
6 securing the transportation sector that identifies and
7 prioritizes the greatest security needs of the trans-
8 portation sector, both across and within modes, in
9 the order that such priorities should be addressed.

10 (4) Information on the underlying methodolo-
11 gies used to assess risks across and within each
12 transportation mode and the basis for any assump-
13 tions regarding threats, vulnerabilities, and con-
14 sequences made in assessing and prioritizing risks
15 within and across modes.

16 (d) CLASSIFICATION.—The report required under
17 subsection (c) may be submitted in a classified format or
18 unclassified format, as appropriate.

19 **SEC. 203. ASSESSMENTS AND SECURITY PLANS.**

20 (a) REPORT.—Not later than 60 days after the date
21 of the enactment of this Act, the Secretary of Homeland
22 Security shall submit to the appropriate congressional
23 committees and the Inspector General of the Department
24 of Homeland Security a report on the status of regulations
25 requiring assessments and security plans as set forth in

1 sections 1405, 1512, and 1531 of the Implementing Rec-
2 ommendations of the 9/11 Commission Act of 2007 (6
3 U.S.C. 1134, 1162, and 1181) that includes a timeline
4 for the issuance of a final rulemaking subsequent to the
5 December 16, 2016, publication in the Federal Register
6 of an advance notice of proposed rulemaking.

7 (b) INSPECTOR GENERAL REVIEW.—Not later than
8 120 days after submission of the report under subsection
9 (a), the Inspector General of the Department of Homeland
10 Security shall submit to the appropriate congressional
11 committees a review of such report that includes informa-
12 tion on—

13 (1) departmental efforts to finalize rulemaking;

14 and

15 (2) recommendations, as necessary, to ensure
16 implementation of the regulations referred to in sub-
17 section (a).

18 **SEC. 204. RESEARCH AND DEVELOPMENT.**

19 (a) IN GENERAL.—Subsection (h) of section 1409 of
20 the Implementing Recommendations of the 9/11 Commis-
21 sion Act of 2007 (Public Law 110–53; 6 U.S.C. 1138)
22 is amended by striking “to make grants” and all that fol-
23 lows through the period at the end and inserting “to carry
24 out this section such sums as may be necessary for each
25 of fiscal years 2018 through 2022.”.

1 (b) EMERGING ISSUES.—Not later than 180 days
2 after the date of the enactment of this Act, the Secretary
3 of Homeland Security shall submit to the appropriate con-
4 gressional committees a report regarding technological,
5 privacy, and operational considerations with respect to the
6 potential for—

7 (1) next generation technologies to be inte-
8 grated into systems of surface transportation assets
9 to detect explosives, including through the deploy-
10 ment of mobile explosives detection technologies to
11 conduct risk-based passenger and property screening
12 at high-risk passenger rail and public transportation
13 systems;

14 (2) providing passenger rail and public trans-
15 portation system operators with access to the Trans-
16 portation Security Administration’s Secure Flight
17 Program or a similar passenger vetting system
18 maintained by the Transportation Security Adminis-
19 tration;

20 (3) deploying a credential authentication tech-
21 nology or other means of identification document in-
22 spection to high-risk passenger rail and public trans-
23 portation systems to assist operators conducting
24 passenger vetting; and

1 (4) deploying scalable, cost-effective technology
2 solutions to detect chemical, biological, radiological,
3 nuclear, or explosive threats within high-risk pas-
4 senger rail and public transportation systems that
5 are capable of passive, continuous, and real-time
6 sensing and detection of, and alerting passengers
7 and operating personnel to, the presence of such a
8 threat.

9 **SEC. 205. INNOVATIVE TECHNOLOGIES AND CAPABILITIES.**

10 (a) IN GENERAL.—The Administrator of the Trans-
11 portation Security Administration may establish a task
12 force to collaborate with public and private sector stake-
13 holders to identify and develop an innovative technology
14 or capability with the potential to enhance transportation
15 security, including by—

16 (1) conducting a field demonstration of such a
17 technology or capability in an operational environ-
18 ment;

19 (2) gathering performance data from such a
20 demonstration to inform the acquisition process; and

21 (3) providing funding and promoting efforts to
22 enable participation in a demonstration by a small
23 business that has an innovative technology or capa-
24 bility but does not have adequate resources to par-

1 ticipate in a field demonstration under paragraph
2 (1).

3 (b) COMPOSITION.—The task force authorized under
4 subsection (a) shall be chaired by the Administrator of the
5 Transportation Security Administration’s designee and
6 comprised of representatives appointed by the Adminis-
7 trator, in consultation with the Chairperson of the Avia-
8 tion Security Advisory Committee (established pursuant to
9 section 44946 of title 49, United States Code).

10 (c) ACTIVITIES.—The chair of the task force shall—

11 (1) seek technologies and capabilities for field
12 demonstrations with potential to enhance surface
13 transportation security, in addition to technologies
14 and capabilities with potential to enhance aviation
15 security;

16 (2) coordinate with the Science and Technology
17 Directorate of the Department of Homeland Secu-
18 rity to leverage such technologies and capabilities;
19 and

20 (3) submit to the Secretary of Homeland Secu-
21 rity an annual report regarding the task force’s ac-
22 tivities that identifies, for each such technology or
23 capability, what mode of transportation could be en-
24 hanced by the integration of such technology or ca-

1 pability into security operations and, as appropriate,
2 plans for deploying such technology or capability.

3 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall require the Administrator of the Transportation
5 Security Administration to acquire an innovative tech-
6 nology or capability.

7 (e) **NON-APPLICABILITY OF FACA.**—The Federal
8 Advisory Committee Act (5 U.S.C. App.) shall not apply
9 to the task force.

10 **TITLE III—INFORMATION SHAR-**
11 **ING AND OPERATIONAL CO-**
12 **ORDINATION**

13 **SEC. 301. THREAT INFORMATION SHARING.**

14 (a) **PRIORITIZATION.**—The Secretary of Homeland
15 Security shall prioritize the assignment of officers and in-
16 telligence analysts under section 210A of the Homeland
17 Security Act of 2002 (6 U.S.C. 124h) from the Transpor-
18 tation Security Administration and the Office of Intel-
19 ligence and Analysis of the Department of Homeland Se-
20 curity to locations with participating State, local, and re-
21 gional fusion centers in jurisdictions with a high-risk sur-
22 face transportation asset in order to enhance the security
23 of such assets, including by improving timely sharing of
24 classified information regarding terrorist and other
25 threats.

1 (b) INTELLIGENCE PRODUCTS.—Officers and intel-
2 ligence analysts assigned to locations with participating
3 State, local, and regional fusion centers under this section
4 shall participate in the generation and dissemination of
5 transportation security intelligence products, with an em-
6 phasis on terrorist and other threats to surface transpor-
7 tation assets that—

8 (1) assist State, local, and tribal law enforce-
9 ment agencies in deploying their resources, including
10 personnel, most efficiently to help detect, prevent,
11 investigate, apprehend, and respond to terrorist and
12 other threats;

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

15 (3) enhance the Department of Homeland Secu-
16 rity’s situational awareness of such terrorist and
17 other threats.

18 (c) CLEARANCES.—The Secretary of Homeland Secu-
19 rity shall make available to appropriate owners and opera-
20 tors of surface transportation assets, and any other person
21 that the Secretary determines appropriate to foster great-
22 er sharing of classified information relating to terrorist
23 and other threats to surface transportation assets, the
24 process of application for security clearances under Execu-
25 tive Order 13549 (75 Fed. Reg. 162; relating to a classi-

1 fied national security information program) or any suc-
2 cessor Executive order.

3 **SEC. 302. INTEGRATED AND UNIFIED OPERATIONS CEN-**
4 **TERS.**

5 (a) FRAMEWORK.—Not later than 120 days after the
6 date of the enactment of this Act, the Administrator of
7 the Transportation Security Administration, in consulta-
8 tion with the heads of other appropriate offices or compo-
9 nents of the Department of Homeland Security, shall
10 make available to public and private sector stakeholders
11 a framework for establishing an integrated and unified op-
12 erations center responsible for overseeing daily operations
13 of a transportation facility that promotes coordination for
14 responses to terrorism, serious incidents, and other pur-
15 poses, as determined appropriate by the Administrator.

16 (b) REPORT.—Not later than one year after the date
17 of the enactment of this Act, the Administrator of the
18 Transportation Security Administration shall report to the
19 appropriate congressional committees regarding the estab-
20 lishment and activities of integrated and unified oper-
21 ations centers at transportation facilities at which the
22 Transportation Security Administration has a presence.

23 **SEC. 303. SUSPICIOUS ACTIVITY REPORTING.**

24 (a) IN GENERAL.—The Secretary of Homeland Secu-
25 rity shall ensure there exists a national mechanism for an

1 individual to report suspicious activity in a transportation
2 facility.

3 (b) PROCEDURES.—The Secretary of Homeland Se-
4 curity, in consultation with the Administrator of the
5 Transportation Security Administration, shall establish
6 procedures for the Department of Homeland Security to—

7 (1) review quickly a report received under sub-
8 section (a), but not later than 48 hours after receiv-
9 ing such a report;

10 (2) follow-up, as necessary, on each such report;

11 and

12 (3) share with appropriate Federal, State, local,
13 and tribal entities, as necessary and in accordance
14 with law, such reports.

15 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to replace or affect in any way the
17 use of 9–1–1 or other local emergency services in an emer-
18 gency.

19 **SEC. 304. SECURITY TECHNOLOGIES TIED TO FOREIGN**
20 **THREAT COUNTRIES.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Secretary of Homeland Security, act-
23 ing through the Under Secretary for Intelligence and
24 Analysis of the Department of Homeland Security, shall
25 submit to the appropriate congressional committees an as-

1 assessment of the terrorist and other threats to the trans-
2 portation sector, including surface transportation assets,
3 posed by the use of security technologies, including soft-
4 ware and networked technologies, developed or manufac-
5 tured by firms that are owned or closely linked to the gov-
6 ernments of countries that are known to pose a cyber or
7 homeland security threat.

8 **TITLE IV—PUBLIC AREA** 9 **SECURITY**

10 **SEC. 401. PUBLIC AREA SECURITY WORKING GROUP.**

11 (a) WORKING GROUP.—The Secretary of Homeland
12 Security shall establish a working group to promote col-
13 laborative engagement between the Department of Home-
14 land Security and public and private sector stakeholders
15 to develop non-binding recommendations for enhancing se-
16 curity in public areas of transportation facilities (including
17 facilities that are surface transportation assets), including
18 recommendations regarding the following topics:

19 (1) Information sharing and interoperable com-
20 munication capabilities among the Department of
21 Homeland Security and public and private stake-
22 holders with respect to terrorist or other threats.

23 (2) Coordinated incident response procedures.

24 (3) The prevention of terrorist attacks and
25 other incidents through strategic planning, security

1 training, exercises and drills, law enforcement pa-
2 trols, worker vetting, and suspicious activity report-
3 ing.

4 (4) Infrastructure protection through effective
5 construction design barriers and installation of ad-
6 vanced surveillance and other security technologies.

7 (b) ANNUAL REPORT.—Not later than one year after
8 the establishment of the working group under subsection
9 (a) and annually thereafter for five years, the Secretary
10 of Homeland Security shall submit to the appropriate con-
11 gressional committees a report on the working group’s or-
12 ganization, participation, activities, findings, and non-
13 binding recommendations for the immediately preceding
14 12-month period. The Secretary may publish a public
15 version such report that describes the working group’s ac-
16 tivities and such related matters as would be informative
17 to the public, consistent with section 552(b) of title 5,
18 United States Code.

19 (c) INAPPLICABILITY OF THE FEDERAL ADVISORY
20 COMMITTEE ACT.—The Federal Advisory Committee Act
21 (5 U.S.C. App.) shall not apply to the working group es-
22 tablished under subsection (a) or any subsidiary thereof.

23 **SEC. 402. TECHNICAL ASSISTANCE.**

24 (a) IN GENERAL.—The Secretary of Homeland Secu-
25 rity shall—

1 (1) inform owners and operators of surface
2 transportation assets about the availability of tech-
3 nical assistance, including vulnerability assessment
4 tools and cybersecurity guidelines, to help protect
5 and enhance the resilience of public areas of such
6 assets; and

7 (2) subject to availability of appropriations,
8 provide such technical assistance to requesting own-
9 ers and operators of surface transportation assets.

10 (b) **BEST PRACTICES.**—Not later than one year after
11 the date of the enactment of this Act, the Secretary of
12 Homeland Security shall publish on the Department’s
13 website and widely disseminate, as appropriate, best prac-
14 tices for protecting and enhancing the resilience of public
15 areas of transportation facilities (including facilities that
16 are surface transportation assets), including associated
17 frameworks or templates for implementation. Such best
18 practices shall be updated periodically.

19 **SEC. 403. FIREARMS AND AMMUNITION IN PUBLIC AREAS.**

20 (a) **REVIEW.**—Not later than one year after the date
21 of the enactment of this Act, the Secretary of Homeland
22 Security shall submit to the appropriate congressional
23 committees a security risk assessment of State and Fed-
24 eral laws, regulations, directives, policies, and procedures
25 regarding the open or concealed carrying in public areas

1 of a transportation facility or on a transportation system
2 of a firearm and ammunition by an individual not involved
3 in law enforcement operations. Such assessment shall in-
4 clude—

5 (1) as appropriate, proposals to modify such
6 regulations, directives, policies, or procedures within
7 the jurisdiction of the Department of Homeland Se-
8 curity to reduce risks identified in such assessment;
9 and

10 (2) information on possible changes to other
11 State and Federal laws, regulations, directives, poli-
12 cies, and procedures that would reduce risks identi-
13 fied in such assessment.

14 (b) CONSULTATION.—In carrying out the risk assess-
15 ment required under subsection (a), the Secretary of
16 Homeland Security shall consult with public and private
17 sector stakeholders, privacy experts, and law enforcement
18 experts.

19 **SEC. 404. BEST PRACTICES TO SECURE AGAINST VEHICLE-**
20 **BASED ATTACKS.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, the Secretary of Homeland Security shall
23 disseminate best practices to public and private sector
24 stakeholders regarding how to enhance transportation se-

- 1 curity against the threat of a vehicle-based terrorist at-
- 2 tack.

