

TITLE I: AUTHORIZATION OF APPROPRIATIONS.

Sec. 101. Authorization of appropriations.

This provision authorizes appropriations for the Transportation Security Administration (TSA), in the amount of \$7,604,561,000 for fiscal year 2010 and \$8,060,835,000 for fiscal year 2011.

Sec. 102. Risk-based system for allocation of resources.

This section requires a report on the status of TSA's implementation of recommendations prescribed in a March 2009 GAO report (GAO-09-492), including assessments of several key areas and a summary that ranks risks within and across transportation modes, as well as a description of risk-based priorities for securing the transportation sector, both within and across modes. This section also requires the report to include a description of the risk methodologies used and any relevant underlying assumptions.

Sec. 103. Ensuring contracting with small business concerns and disadvantaged business concerns.

This section reiterates the need for TSA to comply with small, minority, and disadvantaged business goals; encourages TSA's utilization of alliances of small, minority, and disadvantaged businesses to enable competition as prime contractors; and requires the submission of small business subcontracting plans by TSA to ensure small, minority, and disadvantaged business utilization.

TITLE II. AVIATION SECURITY.

Subtitle A – Amendments to Chapter 449

Sec. 201. Screening air cargo and checked baggage. [Added by ANS]

This section focuses TSA on fulfilling the 100% air cargo screening mandate (Section 1602 of the 9/11 Act, P.L. 11-53) for domestic flights by 2010 by directing TSA to establish a system to verify screening of all cargo on inbound foreign passenger aircraft and directs the Assistant Secretary to address redundant inspections by multiple agencies of cargo on inbound passenger aircraft. This section also eliminates "bag-match" as an alternative means of screening passenger checked baggage, with the exception of exigent circumstances, as determined by the Assistant Secretary.

Sec. 202. Prohibition of advance notice of covert testing to security screeners.

This section prohibits any Federal employee, or others participating in covert testing or evaluation, from providing advance notice or information concerning the covert testing or evaluation, before it is completed, to any individual except for employees or Federal officers selected by TSA; the Inspector General of the Department; or the Comptroller General. Additionally, this section establishes a mechanism for monitoring testing personnel and secure covert testing and evaluation procedures to ensure that a second team of covert testing and evaluation employees accompanies the primary team to each site test to observe the test and confirm identity of personnel if necessary.

Sec. 203. Secure verification system for law enforcement officers.

This section requires TSA to develop a plan for the implementation of a secure verification system with a biometric component for Federal law enforcement officers (LEOs), including Federal Air Marshals, and non-Federal LEOs who are traveling while armed. Before issuing regulations for such a system, TSA is required to conduct a demonstration program to test the system. This section authorizes \$10 million for a demonstration program to implement the secure verification system authorized in this section.

Sec. 204. Ombudsman for Federal Air Marshal Service.

This section authorizes an ombudsman for the Federal Air Marshal Service (FAMS) and requires the ombudsman to review and implement recommendations identified by the Comptroller General that have been integrated to improve morale, training, and quality of life issues.

Sec. 205. Federal flight deck officer program enhancements.

This section requires TSA to put in place an appropriately sized administrative structure to administer the Federal Flight Deck Officer (FFDO). This section also creates additional training sites where FFDOs can satisfy training requirements to maintain eligibility for the program and mandates.

Sec. 206. Foreign repair stations.

This section directs TSA to issue regulations establishing security standards for foreign repair stations that are comparable to the standards that are applied to domestic repair stations.

Sec. 207. Assistant Secretary defined.

This section defines “Assistant Secretary” for chapter 449 of the U.S. Code as the Assistant Secretary for Homeland Security (Transportation Security Administration).

Sec. 208. TSA and homeland security information sharing.

This section requires, not later than one year after enactment, Airport Security Plans to include reporting procedures to ensure that the Federal Security Director is immediately notified whenever any Federal, State, or local law enforcement personnel are called to an aircraft at the gate or on the airfield. Additionally, this section requires each Federal Security Director to conduct quarterly meetings with law enforcement agencies serving the airport and to consult and coordinate with airport operators, as appropriate, on security matters impacting airport operations.

Sec. 209. Aviation security stakeholder participation.

The provision authorizes the Aviation Security Advisory Committee (ASAC) to assist TSA with issues pertaining to aviation security and requires the ASAC to perform specific actions and submit reports to the Assistant Secretary. This section also establishes an Air Cargo Security Working Group within the ASAC to provide stakeholders with a mechanism to provide recommendations on cargo screening initiatives, including TSA's proposed Certified Cargo Screening Program and other programs developed by TSA to screen cargo on passenger aircraft on an ongoing basis.

Sec. 210. General aviation security.

This section establishes a General Aviation Working Group within the ASAC to provide stakeholders with a mechanism for giving feedback on TSA's security policies regarding general aviation. This section also provides \$10 million for a grant program for measures to improve security at general aviation airports. Under this section, the General Aviation Working Group makes recommendations for eligible security enhancement projects for general aviation airports.

Sec. 211. Security and self-defense training. [Added by ANS]

This section requires all flight attendants to complete five hours of TSA-administered self defense training mandatory within a two year period. The provision allows flight attendants to opt out of engaging in physical contact during the training. The section also directs TSA to establish an oversight program for the basic security training administered by individual air carriers.

Sec. 212. Security screening of individuals with metal implants traveling in air transportation. [Added by ANS]

This section directs TSA to submit a plan to Congress that examines how to improve security screening procedures for individuals with metal implants. This section requires the plan to include benchmarks for implementing any changes to the screening process and an analysis of methods to limit disruptions for individuals with metal implants undergoing security screening at checkpoints, including by migrating to the Registered Traveler biometric program and establishing a new biometric credential or system tailored to individuals with metal implants.

Subtitle B – Other Matters

Sec. 221. Security risk assessment of airport perimeter access controls.

This section requires TSA to develop a strategic, risk-based plan that identifies best practices for airport perimeter access controls at commercial service and general aviation airports.

Sec. 222. Advanced passenger prescreening system.

This section requires the Comptroller General to provide progress reports to Congress on a quarterly basis on the status of Secure Flight implementation.

Sec. 223. Biometric identifier airport access enhancement demonstration program.

This section authorizes \$20 million for a demonstration program to study biometric-based access systems for individuals with access to secure or sterile areas of an airport, including airport employees and flight crews, for potential application at commercial service airports. This section also requires that the seven participating airports represent a diverse group of airports that vary in size, geographic region, and infrastructure capabilities. This section directs TSA to identify best practices for the administration of biometric identifier access at airports and requires TSA to submit a report to Congress at the conclusion of the demonstration program.

Sec. 224. Transportation security training programs.

This section requires TSA to establish a recurring training program for Transportation Security Officers (TSOs) in response to weaknesses identified through covert testing. The training shall include updates to screening procedures and new technologies, including a mechanism for monitoring and documenting that TSOs have participated in retraining exercises, and identifying proper technological infrastructure that should be available for such training, including high-speed internet and intranet connectivity at training facilities.

Sec. 225. Deployment of technology approved by science and technology directorate.

This section requires the Secretary to develop a strategic plan for the certification and integration of technologies for transportation security, in consultation with the Directorate of Science and Technology. This section requires the plan to include a cost-benefit analysis and quantifiable performance measures, and to incorporate those two elements, along with the results of the risk assessment, into the Passenger Screening Program strategic plan. This section also requires the Secretary to ensure, to the extent feasible, that operational tests and evaluations have been successfully completed in an operational environment before deploying checkpoint screening technologies to airport checkpoints. Annual reports describing the scope, methods, and results of developmental and operational tests of screening technologies are also required.

Sec. 226. In-line baggage screening study.

This section directs TSA, in consultation with the Aviation Security Advisory Committee, to conduct a study on deploying optimal baggage screening solutions and replacing baggage screening equipment that are nearing the end of their life cycles at commercial service airports.

Sec. 227. In-line checked baggage screening systems. [Added by ANS]

This section directs GAO to submit semi-annual reports to Congress on TSA's expenditures on in-line systems checked baggage screening systems, as well as the progress made by TSA in the nationwide deployment of such screening systems.

Sec. 228. GAO report on certain contracts and use of funds.

This section requires GAO to submit an initial report, and additional reports every 6 months thereafter, to Congress on any funds made available by the Economic Stimulus Act of 2008 and the Consolidated Security, Disaster Assistance, and Continuing Appropriation Act of 2009, that have been used by TSA to award contracts on explosive detection screening systems or to implement any screening or detection technology for use at an airport.

Sec. 229. IG report on certain policies for Federal air marshals.

This section requires the DHS Inspector General to review within 120 days the minimum standards and policies regarding the rest periods between deployments and any other standards or policies applicable to FAMS reporting to duty, upon completion of which, the Inspector General shall make recommendations on the standards and policies the Inspector General considers necessary to ensure a professional, alert, and responsible work force.

Sec. 230. Explosives detection canine teams minimum for aviation security.

This section requires TSA to devote not fewer than 250 explosives detection canine teams for aviation security inspection purposes through 2011.

Sec. 231. Assessments and GAO Report of inbound air cargo screening. [Added by ANS]

This section establishes quarterly reporting requirements for GAO to provide an ongoing assessment of TSA's implementation of the inbound air cargo screening verification system established in section 201 and the extent to which exemptions are utilized by TSA.

Sec. 232. Status of efforts to promote air cargo shipper certification.

This section directs TSA to report to Congress on its progress in certifying the screening methods used by shippers who want to participate in the certified cargo screening program.

Sec. 233. Full and open competition in security background screening service.

This section requires TSA to publish in the Federal Register a notice for the background screening services for persons requiring a background screening in the aviation industry, which will make such services available for open competition.

Sec. 234. Registered traveler. [As amended at markup]

This section requires TSA to evaluate whether the Registered Traveler program can be integrated, with added security benefits, into risk-based aviation security operations. This section requires the Assistant Secretary to submit a report to Congress on the potential risk reduction in reinstating the Registered Traveler program with security treat assessments and background checks.

Sec. 235. Report on cabin crew communication.

This section directs TSA to report on technologies and issue standards for wireless communication devices for secure cabin crew communication among the cabin, flight deck, and any embarked Federal Air Marshals.

Sec. 236. Air cargo crew training. [Added by ANS]

This section directs TSA to develop a plan for establishing security training for pilots and other appropriate crew operating all-cargo aircraft.

Sec. 237. Reimbursement for airports that have incurred eligible costs.

This section directs TSA to establish, within 60 days, a process for resolving reimbursement claims for airports that have incurred terminal modification costs associated with the installation of in-line explosives detection systems before TSA established the “letter of intent” reimbursement program.

TITLE III. SURFACE TRANSPORTATION SECURITY.

Sec. 301. Assistant Secretary defined.

This section defines “Assistant Secretary” as the Assistant Secretary for Homeland Security (Transportation Security Administration) in Title XIII of the 9/11 Act.

Sec. 302. Surface transportation security inspection program.

This section establishes the Surface Transportation Security Inspection Office to house Surface Transportation Security Inspectors (STSIIs), streamline their mission, and clarify their command structure. This provision also authorizes hiring of additional STSIIs, outlines minimum requirements for field offices, and requires development of a plan for expanding the role of

STSIs in TSA's surface transportation security mission, including oversight of projects funded through transportation security grant programs administered by the Department.

Sec. 303. Visible intermodal prevention and response teams.

This section further defines the Visible Intermodal Prevention and Response (VIPR) program and requires qualitative performance measures to assess its mission and operations. This section also requires a plan to improve communications between VIPR teams and local agencies, and among VIPR team components.

Sec. 304. Surface transportation security stakeholder participation.

This section creates a Transit Security Advisory Committee (TSAC) to assist TSA with issues pertaining to surface transportation security, including homeland security information sharing and security background checks, and requires the TSAC to provide recommendations and submit reports to the Assistant Secretary. This section also establishes a Passenger Carrier Security Working Group and a Freight Rail Security Working Group within the TSAC to provide relevant stakeholders with a mechanism for giving TSA feedback on its implementation of statutory requirements under P.L. 110-53.

Sec. 305. Human capital system for surface transportation security personnel.

This section requires TSA to submit a human capital plan for surface transportation security personnel at TSA, including STSIs, which must be approved by the chief human capital officer of the Department prior to submission. This section also requires the Assistant Secretary to consult with the STSI Office, the Inspector General of the Department, and GAO in developing the plan.

Sec. 306. Surface transportation security training.

This section requires the Secretary to report on the status of the Department's implementation of sections 1408, 1517, and 1534 of P.L. 110-53, which require security training for rail, public transportation, and bus workers, within 90 days of enactment.

Sec. 307. Security assistance IG report.

This section requires the Inspector General of the Department to report to Congress on the roles and responsibilities of all Department components involved in the administration of security grants under section 1406 of P.L. 110-53, along with recommendations for how these components can improve their coordination and leverage substantive and administrative expertise in executing the program.

Sec. 308. International lessons learned for securing passenger rail and public transportation systems.

This section requires GAO to study all efforts undertaken by the Department, its components, and other relevant entities to learn from foreign nations whose passenger rail and transit systems have been attacked by terrorists and, where practicable, apply lessons learned to relevant transportation security gaps in the United States.

Sec. 309. Underwater tunnel security demonstration project.

This section requires TSA to conduct a full-scale demonstration project to test and assess technologies for securing underwater tunnels during a terrorist attack involving improvised explosive devices, including inflatable plugs.

Sec. 310. Passenger rail security demonstration project.

This section requires TSA to conduct a demonstration project to test and assess technologies for securing passenger rail systems during a terrorist attack involving improvised explosive devices, including foreign object detection programs to detect devices on station platforms and mechanisms to defeat devices left on rail tracks.

Sec. 311. Explosives detection canine teams.

This section increases the number of explosives detection canine teams devoted to surface transportation security activities to 150 by the end of fiscal year 2011, extends the authorization of the program as a whole, and expands the use of canine teams trained to detect vapor wave trails.

TITLE IV. TRANSPORTATION SECURITY CREDENTIALING.

Sec. 401. Report and recommendation for uniform security background checks.

This section requires GAO to review background checks and forms of identification required under State and local transportation security programs and determine whether such programs duplicate or conflict with Federal programs. This section also requires GAO to submit recommendations for streamlining and eliminating any duplications or conflicts.

Sec. 402. Animal-propelled vessels.

This limited section prohibits the Secretary from requiring an individual to hold a Transportation Worker Identification Credential if the individual has been issued a license, certificate of registry, or merchant mariner's document under title 46 of the U.S. Code; the individual is not allowed unescorted access to secure or sterile areas of a vessel or related facility; and the individual is engaged in the operation of a live animal-propelled vessel.