

STRENGTHENING LOCAL TRANSPORTATION SECURITY
 CAPABILITIES ACT OF 2017

MARCH 19, 2018.—Committed to the Committee of the Whole House on the State
 of the Union and ordered to be printed

Mr. McCAUL, from the Committee on Homeland Security,
 submitted the following

R E P O R T

[To accompany H.R. 5089]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5089) to improve threat information sharing, integrated operations, and law enforcement training for transportation security, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

The purpose of H.R. 5089, the Strengthening Local Transportation Security Capabilities Act of 2018, is to improve threat information sharing, integrated operations, and law enforcement training for transportation security. This bill requires the Secretary of the Department of Homeland Security (DHS) to prioritize the assignment of officers and intelligence analysts from the Transportation Security Administration (TSA) and the DHS Office of Intelligence and Analysis (I&A) to fusion centers in jurisdictions with high-risk surface transportation assets, in order to participate in the generation and dissemination of intelligence products; and make security clearances available to appropriate stakeholders. It also requires the TSA Administrator to make available a framework for establishing an integrated and unified operations center that oversees the daily operations of a transportation facility. Lastly, this bill enables the Secretary to develop a training program through the Federal Law Enforcement Training Centers (FLETC) to enhance the protection, preparedness, and response capabilities of law enforcement agencies for terrorism incidents at surface transportation assets.

BACKGROUND AND NEED FOR LEGISLATION

More so than the aviation sector, State and local law enforcement, as well as owners and operators of transportation assets, play a major role in securing surface transportation modes. A common complaint by these stakeholders is that TSA-and the federal government in general-does not provide sufficient information for them to adequately prepare for threats. This is primarily due to the classified nature of the information and the lack of security clearances for many of these stakeholders.

This bill seeks to address these issues by increasing information sharing and making security clearances available to appropriate stakeholders. In addition, stakeholders have noted that active shooter and other incidents at transportation venues—such as the shooting at Los Angeles International Airport in November 2013 and false reports of a shooting at John F. Kennedy International Airport in August 2016—have led to chaotic evacuations and mismanaged communications. In January 2017, DHS called for airports to establish unified operations centers to address these issues. This bill seeks to assist airports by directing TSA to make available a framework for an operations center for transportation facilities. Finally, it seeks to assist surface transportation asset owners and operators to secure their systems by, developing a training program for law enforcement with a focus on surface transportation threats. It is imperative that TSA collaborate with both public and private stakeholders in order to sufficiently overcome the unique challenges to securing surface transportation. This bill will ensure that TSA improves its relationships with transportation facility stakeholders, as well as State and local law enforcement

HEARINGS

The Committee did not hold any legislative hearings on H.R. 5089 in the 115th Congress. However, this legislation was informed

by a joint Subcommittee on Transportation and Protective Security and Subcommittee on Emergency Preparedness, Response, and Communications hearing on January 30, 2018 entitled “Securing our Surface Transportation Systems: Examining the Department of Homeland Security’s Role in Surface Transportation Technologies.” The Subcommittee received testimony from Ms. Sonya Proctor, Director of Surface Division, Office of Security Policy and Industry Engagement, Transportation Security Administration; Mr. Robert Pryor, Director of Intermodal Division, Office of Requirements and Capabilities Analysis, Transportation Security Administration; Mr. Donald E. Roberts, Program Manager of Explosive Threat Detection, Explosives Division, Homeland Security Advanced Research Projects Agency, DHS Science and Technology Directorate; and Mr. Brian Michael Jenkins, Director, National Transportation Security Center of Excellence, Mineta Transportation Institute.

This legislation was also informed by a Subcommittee on Transportation and Protective Security hearing on November 28, 2017 entitled “Securing Public Areas of Transportation Systems: Stakeholder Perspectives.” The Subcommittee received testimony from Mr. Charles Cunningham, Director of Homeland Security and Emergency Management, Delaware River Port Authority (DRPA) Public Safety/PATCO; Mr. Thomas J. Nestel, III, Chief of Transit Police, Southeastern Pennsylvania Transportation Authority (SEPTA); Mr. Douglas Lemanowicz, Lieutenant of Special Operations Section, New Jersey State Police; and Mr. Christopher Trucillo, Chief of Transit Police, New Jersey Transit.

COMMITTEE CONSIDERATION

The Committee met on March 7, 2018, to consider H.R. 5089, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 5089.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 5089, the Strengthening Local Transportation Security Capabilities Act of 2018, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 5089 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This legislation seeks to improve threat information sharing, integrated operations, and law enforcement training for transportation security.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 5089 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 5089 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 5089 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Strengthening Local Transportation Security Capabilities Act of 2018”.

Sec. 2. Definitions.

This section defines the terms used in this act including: “public and private sector stakeholders”; “surface transportation asset”; and “transportation facility”.

Sec. 3. Threat Information Sharing.

This section requires the DHS Secretary to prioritize the locations of officers and intelligence analysts to jurisdictions that have a high-risk surface transportation asset in order to enhance the security of such assets and improve timely information sharing regarding terrorist threats. These locations are jurisdictions with participating State, local, and regional fusion centers.

Additionally, this section requires these officers and analysts to participate in generating and disseminating transportation security intelligence products that have an emphasis on threats to surface transportation.

Further, this section permits the Secretary to allow access to the application process for security clearances for individuals that would foster greater information sharing regarding threats to surface transportation.

Sec. 4. Integrated and Unified Operations Centers.

This section requires the TSA Administrator to make available a framework for establishing an operations center that will oversee the daily operations of a transportation facility that promotes response coordination to major events.

Additionally, this section requires the TSA Administrator to report to Congress regarding the establishment of these operations centers.

Sec. 5. Local Law Enforcement Security Training.

This section permits the Secretary to develop a training program through the Federal Law Enforcement Training Centers to enhance the capabilities of law enforcement agencies with respect to terrorism and other events at surface transportation sites.

Additionally, this section outlines the requirements of the training program should the Secretary develop it.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED
As reported, H.R. 5089 makes no changes to existing law.

