

**[DISCUSSION DRAFT]**114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R.** \_\_\_\_\_

To make certain improvements in the laws administered by the Secretary of Homeland Security relating to public transportation security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. LIPINSKI introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To make certain improvements in the laws administered by the Secretary of Homeland Security relating to public 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Securing America’s  
5       Facilities, Equipment and Rail: Taking Responsibility for  
6       American National Security in Transit Act” or the  
7       “SAFER TRANSIT Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Nationwide, Americans rely on 6,800 public  
4 transportation systems for their daily commute.  
5 Every weekday, public transportation riders take  
6 35,000,000 trips. Public transportation significantly  
7 improves quality of life, saving Americans who live  
8 in areas served by public transportation systems  
9 nearly 865,000,000 hours in travel time annually.

10 (2) Increasingly, public transportation is be-  
11 coming a target of terrorist activity.

12 (3) In 2004, terrorists simultaneously detonated  
13 explosives concealed inside backpacks on Madrid's  
14 commuter train system, killing 191 and injuring  
15 nearly 2000.

16 (4) In 2005, four suicide bombers attacked  
17 London's public transportation system, killing 52.

18 (5) In 2011, authorities discovered an impro-  
19 vised explosives device near Amtrak and commuter  
20 train tracks. The same year, German police found  
21 multiple firebombs alongside high speed rail tracks  
22 and in tunnels leading into train stations.

23 (6) On March 22, 2016, a coordinated terrorist  
24 attack targeted both the Brussels Airport and a  
25 metro station in the city killing 32 and injuring  
26 nearly 300 travelers.

1           (7) According to the Global Terrorism Data-  
2           base, there were 57 terror attacks on transportation  
3           from 2006 to 2014.

4           (8) To ensure the continued effectiveness of  
5           public transportation, the federal government must  
6           balance transit system security and accessibility.

7           (9) The Implementing Recommendations of the  
8           9/11 Commission Act of 2007 (Public Law 110–53),  
9           conferred to the Department of Homeland Security  
10          the responsibility for assuring public transportation  
11          security.

12          (10) A May 2016 report by the Inspector Gen-  
13          eral of the Department of Homeland Security found  
14          that the Transportation Security Administration has  
15          limited regulatory oversight of Amtrak’s passenger  
16          security.

17          (11) A May 2016 report by the Government Ac-  
18          countability Office recommended that the Federal  
19          Air Marshal Service undertake a number of meas-  
20          ures to ensure resources are allocated according to  
21          risk assessments.

22          (12) Congress must provide the agencies and  
23          municipalities with the necessary resources to com-  
24          bat terrorism, and continue to conduct oversight of  
25          their effective use.

1 **SEC. 3. RAIL SECURITY.**

2 Not later than 90 days after the date of the enact-  
3 ment of this Act, the Secretary of Homeland Security, in  
4 coordination with the Office of Management and Budget,  
5 shall submit to Congress a report on the plan of the Sec-  
6 retary to expedite the implementation of the requirements  
7 of **[to be provided]** to—

- 8 (1) assign rail carriers to high risk tiers; and  
9 (2) establish a rail security training program.

10 **SEC. 4. VISIBLE INTERMODAL PREVENTION AND RE-**  
11 **SPONSE TEAMS.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
13 1303(b) of the Implementing Recommendations of the 9/  
14 11 Commission Act of 2007 (Public Law 110–53; 6  
15 U.S.C. 1112) is amended by striking “fiscal years 2007  
16 through 2011” and inserting “fiscal years 2016 through  
17 2020”.

18 (b) **SURFACE TRANSPORTATION SECURITY INSPEC-**  
19 **TIONS.**—Section 1304(j) of the Implementing Rec-  
20 ommendations of the 9/11 Commission Act of 2007 (Pub-  
21 lic Law 110–53; 6 U.S.C. 1113) is amended by striking  
22 “this section” and all that follows and inserting “this sec-  
23 tion such sums as may be necessary for each of fiscal years  
24 2016 through 2020”.

1 **SEC. 5. PUBLIC TRANSPORTATION SECURITY RESEARCH**  
2 **AND DEVELOPMENT.**

3 Section 1409(h) of the Implementing Recommenda-  
4 tions of the 9/11 Commission Act of 2007 (Public Law  
5 110–53; 6 U.S.C. 1138) is amended by striking “to make  
6 grants” and all that follows and inserting “to carry out  
7 this section such sums as may be necessary for each of  
8 fiscal years 2016 through 2020”.

9 **SEC. 6. RAILROAD SECURITY.**

10 Section 1513(i)(1) of the Implementing Rec-  
11 ommendations of the 9/11 Commission Act of 2007 (Pub-  
12 lic Law 110–53; 6 U.S.C. 1163) is amended by striking  
13 “Out of funds” and all that follows and inserting: “There  
14 are authorized to be appropriated to the Secretary to carry  
15 out this section such sums as necessary for fiscal years  
16 2016 through 2020.”

17 **SEC. 7. OVER-THE-ROAD BUS SECURITY ASSISTANCE.**

18 Section 1532(k)(1) of the Implementing Rec-  
19 ommendations of the 9/11 Commission Act of 2007 (Pub-  
20 lic Law 110–53; 6 U.S.C. 1182) is amended by striking  
21 “From amounts” and all that follows and inserting  
22 “There are authorized to be appropriated to the Secretary  
23 to carry out this section such sums as necessary for fiscal  
24 years 2016 through 2020.”

1 **SEC. 8. PUBLIC TRANSIT SECURITY POLICE TRAINING PRO-**  
2 **GRAM.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-  
4 rity shall develop a program, to be known as the “Local  
5 Transit Security Instructor Training Program”, which  
6 shall be carried out at the Federal Law Enforcement  
7 Training Centers.

8 (b) CONTENTS.— The program developed under sub-  
9 section (a) shall be an intensive training program designed  
10 to—

11 (1) cover the comprehensive tactical subject  
12 matters pertaining to the unique nature of public  
13 transit operational environments and threats;

14 (2) provide high quality training and instill the  
15 knowledge, skills, and aptitudes needed for the high-  
16 est proficiency in transit security; and

17 (3) leverage the existing skills of trainee officers  
18 by emphasizing leadership, teach backs, and adult  
19 learning as well as the traditional technical skills  
20 needed by field training officers.

21 (c) AVAILABILITY.—The Secretary shall make such  
22 program available to law enforcement agencies that are  
23 eligible for the Homeland Security Grant Program [under  
24 section 2002 of the Homeland Security Act of 2002 (6  
25 U.S.C. 603)]and have jurisdiction over a geographic area  
26 where a public transit system operates rail or bus service.

1 **SEC. 9. EFFECTIVENESS OF FEDERAL AIR MARSHAL PRO-**  
2 **GRAM.**

3 The Secretary of Homeland Security shall take such  
4 steps as may be necessary to ensure that the Federal Air  
5 Marshal Service (hereinafter in this section referred to as  
6 the “FAMS”) uses its resources to cover the highest-risk  
7 flights. in carrying out this section, the Secretary shall—

8 (1) consider risk when determining how to di-  
9 vide the international flight coverage resources of  
10 the FAMS among international destinations, incor-  
11 porate risk into the method of the FAMS for ini-  
12 tially setting its annual target numbers of average  
13 daily international and domestic flights;

14 (2) conduct and document a risk assessment to  
15 further support the domestic resource allocation de-  
16 cisions of the FAMS, including the identification of  
17 high-priority geographic areas;

18 (3) in conducting such risk assessment, con-  
19 sider the use of the FAMS on Visible Intermodal  
20 Prevention and Response teams and the ability of  
21 the Transportation Security Administration (herein-  
22 after in this section referred to as the “TSA”) to  
23 convey law enforcement duties to participating local  
24 jurisdictions for the purpose of preserving the  
25 FAMS workforce for aviation activity;

1           (4) document the rationale for the selection of  
2 international destinations by FAMS for air marshal  
3 deployment and the proportion of flights to cover at  
4 each destination;

5           (5) adopt a consistent name and definition for  
6 the performance measure referred to as the TSA  
7 coverage score that accurately reflects its calculation  
8 method and composite nature; and

9           (6) report the performance results for each of  
10 the subcategories that comprise the TSA coverage  
11 score to FAMS and TSA leadership.