H.R. XXXX, "SURFACE TRANSPORTATION AND PUBLIC AREA SECURITY ACT OF 2017"

As introduced by Rep. Bonnie Watson Coleman (D-NJ)

FACT SHEET

Surface transportation systems—including passenger and freight trains, commuter rail, mass transit, buses, and pipelines—and public areas of airports are targets for mass-casualty terrorist attacks.

In recent years, terrorists have attacked overseas surface transportation systems and public airport areas, including attacks on the London Underground in 2017,[1] Istanbul Ataturk Airport in 2016,[2] and Brussels Airport and metro system in 2016.[3] Gun attacks within public airport areas in Ft. Lauderdale, New Orleans, and Los Angeles have shown that the U.S. is not immune to such incidents.

Terrorists have encouraged attacks against surface transportation systems in the United States. On August 12, 2017, Al Qaeda in the Arabian Peninsula (AQAP) published "Train Derail Operations," a 94-page English on-line terrorism recruitment and training guide that outlines how a would-be terrorist could attempt to derail a train in the U.S., Great Britain, or France.[4] Additionally, on October 31, 2017, a driver used a rented truck to mow down bikers and pedestrians on a busy bicycle path in Lower Manhattan.[5] The threat of self-radicalized persons executing attacks of opportunity presents significant challenges to security professionals.

Public transit systems are numerous, complex, heavily-trafficked, and owned and operated by private stakeholders or State or local government entities. The Transportation Security Administration (TSA) does not deploy frontline officers or screening technologies to surface transportation systems, and its presence in public airport areas is not extensive. TSA supports surface transportation and public area security on a limited basis, through information sharing, grants, law enforcement support, voluntary security assessments, and some narrow regulations.

Unfortunately, despite the challenges inherent to securing these critical transportation systems, President Trump's Fiscal Year 2018 Budget proposes eliminating much of the Federal funding for surface transportation and public airport area security.[6] The Trump Administration's proposed cuts would irresponsibly scale back the support that TSA currently provides to surface transportation

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[1] Sewell Chan, Patrick Kingsley, and Ceylan Yeginsu, "'Bucket Bomb' Strikes London's Vulnerable Underground," *New York Times* (September 15, 2017), https://www.nytimes.com/2017/09/15/world/europe/uk-london-underground-tube-explosion.html.

[2] Tim Arango, Sabrina Tavernise, and Ceylan Yeginsu, "Istanbul Airport Attack Leaves at Least 41 Dead," *New York Times* (June 28, 2016), https://www.nytimes.com/2016/06/29/world/europe/turkey-istanbul-airport-explosions.html.

[3] Tim Hume, Tiffany Ap, and Ray Sanchez, "Here's what we know about the Brussels terror attacks," *CNN* (March 25, 2016), http://www.cnn.com/2016/03/23/europe/brussels-belgium-attacks-what-we-know/index.html.

[4] Alexandra Ma, "Al Qaeda publishes an entire magazine on how to derail trains in Europe and America," *Business Insider* (August 16, 2017), http://www.businessinsider.com/al-qaeda-published-18-page-guide-on-how-to-derail-trains-in-europe-and-america-2017-8?r=UK&IR=T.

[5] "New York City terror attack highlights threat of vehicle attacks," *CBS News* (October 31, 2017), https://www.cbsnews.com/news/new-york-city-terror-attack-highlights-vehicle-threats.

[6] *Fiscal Year 2018 Budget Appendix for the Department of Homeland Security*, The White House (accessed November 21, 2017), https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/dhs.pdf.

owners and operators and local law enforcement at a time when the threat of lone-wolf, vehicle-based, and other attacks is heightened.

In response to this security threat and proposed budget cuts, Rep. Bonnie Watson Coleman (D-NJ), the Ranking Member of the House Homeland Security Subcommittee on Transportation and Protective Security, introduced the "Surface Transportation and Public Area Security Act of 2017" to restore, revamp, and resource important programs aimed at securing vital surface transportation systems to protect these critical soft targets and the people who use them.

Summary of H.R. XXXX, the "SURFACE TRANSPORTATION AND PUBLIC AREA SECURITY ACT OF 2017":

Security Resources

Transit Security Grant Program: Authorizes $400 million in funding and sets a 36-month performance period for the use of such funds;

Law Enforcement Reimbursement: Authorizes $67.5 million for a law enforcement officer reimbursement program with a 1/3 set-aside for officers used to protect surface transportation;

Visible Intermodal Prevention and Response (VIPR): Authorizes at least 60 teams and requires TSA to develop performance measures and address VIPR interoperable communications challenges;

Canine Explosive Detection Teams: Requires DHS to increase by at least 200 the number of canine teams dedicated to surface transportation within two years and authorizes $23.9 million in funding in FY 2018 and $20.3 million annually through FY 2022 to do so;

Local Law Enforcement Security Training: Authorizes DHS to develop a training program for State and local law enforcement with a focus on surface transportation security;

Frontline Transportation Worker Security Training: Requires DHS to report within 60 days on long-overdue rules for baseline security training for frontline transportation workers (*Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53)); and

TSA's Surface Transportation Inspectors: Authorizes continued funding for surface inspectors and requires TSA to issue a strategy to address programmatic challenges.

Security Strategy, Assessments, and Research

Review Impact of National Strategy on Programs: Directs the Comptroller General to review the degree to which the National Strategy for Transportation Security is reflected in Federal programs, budgets, and research;

Risk Scenarios: Requires TSA to ensure that its risk-based priorities are informed by analysis of terrorist attack scenarios for each transportation mode, including cyber attack scenarios;

Risk Assessments: Requires DHS to report within 60 days on long-overdue rules to require risk assessments and security plans for at-risk systems (*Implementing Recommendations of the 9/11 Commission Act of 2007* (P.L. 110-53));

Research and Development: Authorizes research and development of security technologies for surface transportation and directs DHS to report on the potential for the integration of next generation technologies, risk-based passenger vetting, and passive, continuous threat detection within surface transportation; and

Innovative Technologies: Authorizes TSA's Innovation Task Force and directs TSA to seek technologies and capabilities with potential to enhance surface transportation security, in addition to aviation security.

Information Sharing and Operational Coordination

Threat Sharing: Requires DHS to prioritize assigning personnel to fusion centers in areas with high-risk surface transportation assets;

Unified Operations Centers: Directs TSA to make available to stakeholders a framework for establishing an integrated and unified operations center at a transportation facility to promote coordination for responses to terrorism and serious incidents;

Suspicious Activity Reporting: Requires DHS to establish a national mechanism for reporting suspicious activities in transportation facilities; and

Security Technologies Tied to Foreign Threat Countries: Instructs DHS to assess threats to the transportation sector posed by the use of security technologies developed or manufactured by firms that are owned or closely linked to the governments of countries known to pose a cyber or homeland security threat.

Public Area Security

Public Area Security Working Group: Directs DHS to establish a public-private working group for to develop security recommendations for public areas of transportation facilities;

Outreach: Instructs DHS to inform owners and operators of transportation systems about the availability of technical assistance from DHS to enhance security and resilience of such systems;

Firearms in Public Areas: Requires DHS to conduct a risk assessment of laws, regulations, and policies regarding the open or concealed carrying of a firearm and ammunition in transportation facilities and systems and provide proposals to reduce risks; and

Vehicle-Based Attacks: Directs DHS to disseminate best practices to stakeholders regarding how to enhance transportation security against the threat of vehicle-based terrorist attacks.