

## Union Calendar No. 604

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5766

[Report No. 115-778]

To improve the security of public areas of transportation facilities, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2018

Mr. PAYNE (for himself and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on Homeland Security

JUNE 22, 2018

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To improve the security of public areas of transportation facilities, 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 Public Areas  
5 of Transportation Facilities Act of 2018”.

6 **SEC. 2. DEFINITIONS.**

7        In this Act:

8            (1) PUBLIC AND PRIVATE SECTOR STAKE-  
9            HOLDERS.—The term “public and private sector  
10            stakeholders” has the meaning given such term in  
11            section 114(u)(1)(C) of title 49, United States Code.

12            (2) SURFACE TRANSPORTATION ASSET.—The  
13            term “surface transportation asset” includes facili-  
14            ties, equipment, or systems used to provide transpor-  
15            tation services by—

16                    (A) a public transportation agency (as  
17                    such term is defined in section 1402(5) of the  
18                    Implementing Recommendations of the 9/11  
19                    Commission Act of 2007 (Public Law 110–53;  
20                    6 U.S.C. 1131(5)));

21                    (B) a railroad carrier (as such term is de-  
22                    fined in section 20102(3) of title 49, United  
23                    States Code);

24                    (C) an owner or operator of—

1 (i) an entity offering scheduled, fixed-  
2 route transportation services by over-the  
3 road bus (as such term is defined in sec-  
4 tion 1501(4) of the Implementing Rec-  
5 ommendations of the 9/11 Commission Act  
6 of 2007 (Public Law 110–53; 6 U.S.C.  
7 1151(4))); or

8 (ii) a bus terminal; or

9 (D) other transportation facilities, equip-  
10 ment, or systems, as determined by the Sec-  
11 retary.

12 **SEC. 3. PUBLIC AREA SECURITY WORKING GROUP.**

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

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

25 (2) Coordinated incident response procedures.

1           (3) The prevention of terrorist attacks and  
2           other incidents through strategic planning, security  
3           training, exercises and drills, law enforcement pa-  
4           trols, worker vetting, and suspicious activity report-  
5           ing.

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

9           (b) ANNUAL REPORT.—Not later than one year after  
10          the establishment of the working group under subsection  
11          (a) and annually thereafter for five years, the Secretary  
12          of Homeland Security shall report to the Committee on  
13          Homeland Security of the House of Representatives and  
14          the Committee on Commerce, Science, and Transportation  
15          of the Senate on the working group’s organization, partici-  
16          pation, activities, findings, and non-binding recommenda-  
17          tions for the immediately preceding 12-month period. The  
18          Secretary may publish a public version of such report that  
19          describes the working group’s activities and such related  
20          matters as would be informative to the public, consistent  
21          with section 552(b) of title 5, United States Code.

22          (c) INAPPLICABILITY OF THE FEDERAL ADVISORY  
23          COMMITTEE ACT.—The Federal Advisory Committee Act  
24          (5 U.S.C. App.) shall not apply to the working group es-  
25          tablished under subsection (a) or any subsidiary thereof.

1 **SEC. 4. TECHNICAL ASSISTANCE.**

2 (a) IN GENERAL.—The Secretary of Homeland Secu-  
3 rity shall—

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

10 (2) subject to the availability of appropriations,  
11 provide such technical assistance to requesting own-  
12 ers and operators of surface transportation assets.

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

23 **SEC. 5. REVIEW.**

24 (a) REVIEW.—Not later than one year after the date  
25 of the enactment of this Act, the Administrator of the  
26 Transportation Security Administration shall submit to

1 the Committee on Homeland Security of the House of  
2 Representatives and the Committee on Commerce,  
3 Science, and Transportation of the Senate a report that  
4 includes a review of regulations, directives, policies, and  
5 procedures issued by the Administrator regarding the  
6 transportation of a firearm and ammunition, and, as ap-  
7 propriate, information on plans to modify any such regula-  
8 tion, directive, policy, or procedure based on such review.

9 (b) CONSULTATION.—In preparing the report re-  
10 quired under subsection (a), the Administrator of the  
11 Transportation Security Administration shall consult with  
12 the Aviation Security Advisory Committee (established  
13 pursuant to section 44946 of title 49, United States Code)  
14 and appropriate public and private sector stakeholders.

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