

SENSE OF THE HOUSE REGARDING TSA ACTION TO
SECURE SURFACE TRANSPORTATION

DECEMBER 1, 2009.—Referred to the House Calendar and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H. Res. 28]

The Committee on Homeland Security, to whom was referred the resolution (H. Res. 28) expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, having considered the same, report favorably thereon with amendments and recommend that the resolution as amended be agreed to.

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The amendments are as follows:
Strike all after the resolving clause and insert the following:

That it is the sense of the House of Representatives that the Transportation Security Administration should—

(1) continue to enhance security against terrorist attack and other security threats to our Nation's rail and mass transit systems and other modes of surface transportation, including as provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) and the Transportation Security Administration Authorization Act of 2009 (H.R. 2200 in the 111th Congress);

(2) continue development of the National Explosives Detection Canine Team Program, which has proven to be an effective tool in securing against explosives threats to our Nation's rail and mass transit systems, with particular attention to the application of its training standards and the establishment of a reliable source of domestically bred canines;

(3) improve upon the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure those responsible for securing our surface transportation systems against terrorist attack are highly trained in both securing those systems against terrorist attack and professional relations with the traveling public; and

(4) continue to secure our Nation's mass transit and rail systems against terrorist attack and other security threats, so as to ensure the security of commuters on our Nation's rail and mass transit systems and prevent the disruption of rail lines critical to our Nation's economy.

Amend the preamble to read as follows:

Whereas the Transportation Security Administration is uniquely positioned to lead the efforts to secure our Nation's rail and mass transit systems and other modes of surface transportation against terrorist attack as a result of expertise developed over six years of securing our Nation's commercial air transportation system;

Whereas the successes of the Transportation Security Administration's National Explosives Detection Canine Team Program has furthered the Transportation Security Administration's ability to secure our Nation's transportation systems against terrorist attack by preventing and protecting against explosives threats;

Whereas each weekday 11,300,000 passengers depend on our Nation's mass transit systems as a means of transportation;

Whereas rail and mass transit systems serve as an enticing target for terrorists and terrorist organizations, such as Al Qaeda, as evidenced by the March 11, 2004, attack on the Madrid, Spain, rail system, the July 7, 2005, attack on the London, England, mass transit system, and the July 11, 2006, and November 26, 2008, attacks on the Mumbai, India, rail system;

Whereas the Transportation Security Administration Authorization Act of 2009, which was passed by the House of Representatives on June 4, 2009, in an overwhelming and bipartisan manner, expresses Congress' commitment to bolstering the security of rail and mass transit systems; and

Whereas securing our Nation's rail and mass transit systems against terrorist attack and other security threats is essential due to their impact on our Nation's economic stability and the continued functioning of our national economy: Now, therefore, be it

Amend the title so as to read:

Resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 as well as other statutes, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit systems and other modes of surface transportation.

PURPOSE AND SUMMARY

The purpose of H. Res. 28 is to express the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines.

BACKGROUND AND NEED FOR LEGISLATION

More than two years after enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53), and more than five months after the House of Representatives passed the Transportation Security Administration (TSA) Authorization Act of 2009 (H.R. 2200), there is much still to be done to secure rail and mass transit systems in the United States from the threat of terrorist attack. In light of this, and with an eye to the bombings of mass transit systems in Madrid, Spain; London, England; and Mumbai, India that occurred in recent years, H. Res. 28 instructs TSA to continue and strengthen its efforts to secure rail systems, mass transit systems, and school transportation systems across the country and to build on their successful programs, such as the National Explosives Detection Canine Team Program and Online Learning Center.

HEARINGS

No hearings were held on H. Res. 28. However the Committee held oversight hearings including:

On March 11, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “The Mumbai Attacks: A Wake-Up Call for America’s Private Sector.” The Subcommittee received testimony from Mr. James Snyder, Deputy Assistant Secretary, Infrastructure Protection, Department of Homeland Security; Mr. Raymond W. Kelly, Commissioner, New York Police Department; Mr. James W. McJunkin, Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation; Ms. C. Christine Fair, Senior Political Scientist, RAND Corporation; Mr. Brad Bonnell, Director, Global Security, Inter-Continental Hotels Group; and Mr. William G. Raisch, Executive Director, International Center for Enterprise Preparedness, New York University.

On June 10, 2009, the Subcommittee on Transportation Security and Infrastructure Protection held a hearing entitled “The FY 2010 Budget for the National Protection and Programs Directorate and the Transportation Security Administration.” The Subcommittee received testimony from Mr. Philip R. Reiting, Deputy Undersecretary, National Protection and Programs Directorate, Department of Homeland Security; and Ms. Gale D. Rossides, Acting Administrator, Transportation Security Administration, Department of Homeland Security.

COMMITTEE CONSIDERATION

The Committee on Homeland Security met on November 17, 2009, to consider H. Res. 28, and ordered the resolution to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Ms. Jackson-Lee (#1); was AGREED TO 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. Res. 28.

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. Res. 28 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, and Section 402 of the Congressional Budget Act of 1974 do not apply, as H. Res. 28 is not a bill or joint resolution.

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. Res. 28 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This resolution is intended to emphasize to the Transportation Security Administration (TSA) that the House of Representatives strongly urges TSA to strengthen and focus its efforts to enhance security of rail and mass transit systems against terrorist attack.

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

H. Res. 28 provides no Federal mandates.

ADVISORY COMMITTEE STATEMENT

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

CONSTITUTIONAL AUTHORITY STATEMENT

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives does not apply, as H. Res. 28 is not a bill or joint resolution.

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

This resolution directs the Transportation Security Administration (TSA) to continue enhancing security for rail and mass transit systems, particularly as provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53) and suggested in the TSA Authorization Act of 2009 (H.R. 2200).

This resolution recognizes the Transportation Security Administration (TSA) as uniquely positioned to lead Federal efforts to secure rail and mass transit systems in the United States, and notes the National Explosives Detection Canine Team Program as a particularly effective resource. This resolution also recognizes the daily volume of passengers that use mass transit systems and cites examples of recent terrorist attacks on rail and transit systems to emphasize the need to protect the traveling public. In addition, this resolution cites the passage of the TSA Authorization Act (H.R. 2200) by the House of Representatives as evidence of its commitment to strengthening security of rail and mass transit systems and asserts that securing such systems is critical to protecting the U.S. economy.

Paragraph 1 encourages TSA to continue its efforts to secure rail and mass transit systems, as required by P.L. 110-0953 and as suggested by H.R. 2200.

Paragraph 2 notes the effectiveness of the National Explosives Detection Canine Team Program at TSA and supports further development of the program, its training standards, and establishment of a reliable source of domestically bred canines.

Paragraph 3 suggests that TSA can improve on the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure that employees receive adequate training in customer relations with the traveling public to complement security training.

Paragraph 4 urges TSA to continue efforts to secure rail and transit systems so that the traveling public and the economy are protected from acts of terrorism.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H. Res. 28 makes no changes to existing law.