

Rev # 11
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**AMENDMENT TO H.R. 2200, AS REPORTED
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Strike section 103 of the bill (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly.

In section 206 of the bill in the matter to be proposed to be inserted in section 44924(f), strike "**FOREIGN**" in the section heading.

In section 206 of the bill in the matter to be proposed to be inserted in section 44924(f), insert "and domestic" after "foreign".

In section 206 of the bill, insert "security" after "comparable".

In section 210 of the bill in the matter proposed to be inserted as section 44947(b)(1) of title 49, United States Code, strike "facilities general aviation aircraft," and insert "facilities, general aviation aircraft, heliports,".

In section 212 of the bill, in the matter proposed to be inserted in section 44903(m) of title 49, United States

Code, strike paragraphs (1) through (3) and insert the following:

1 “(m) SECURITY SCREENING OF INDIVIDUALS WITH
2 METAL IMPLANTS TRAVELING IN AIR TRANSPOR-
3 TATION.—

4 “(1) IN GENERAL.—The Assistant Secretary
5 shall carry out a program to ensure fair treatment
6 in the screening of individuals with metal implants
7 traveling in air transportation.

8 “(2) PLAN.—Not later than 6 months after the
9 date of enactment of the Transportation Security
10 Administration Authorization Act, the Assistant Sec-
11 retary shall submit a plan to the Committee on
12 Homeland Security of the House of Representatives
13 for improving security screening procedures for indi-
14 viduals with metal implants to limit disruptions in
15 the screening process while maintaining security.
16 The plan shall include an analysis of approaches to
17 limit such disruptions for individuals with metal im-
18 plants, and benchmarks for implementing changes to
19 the screening process and the establishment of a cre-
20 dential or system that incorporates biometric tech-
21 nology and other applicable technologies to verify the
22 identity of an individual who has a metal implant.

1 “(3) PROGRAM.—Not later than 12 months
2 after the date of enactment of the Transportation
3 Security Administration Authorization Act, the As-
4 sistant Secretary shall implement a program to im-
5 prove security screening procedures for individuals
6 with metal implants to limit disruptions in the
7 screening process while maintaining security, includ-
8 ing a credential or system that incorporates biomet-
9 ric technology or other applicable technologies to
10 verify the identity of an individual who has a metal
11 implant.

12 “(4) METAL IMPLANT DEFINED.—In this para-
13 graph, the term ‘metal implant’ means a metal de-
14 vice or object that has been surgically implanted or
15 otherwise placed in the body of an individual, includ-
16 ing any metal device used in a hip or knee replace-
17 ment, metal plate, metal screw, metal rod inside a
18 bone, and other metal orthopedic implants.”.

Strike section 228 of the bill (with the correct se-
quential provision designations [replacing the numbers
currently shown for such designations]) and conform the
table of contents accordingly.

In section 233(2) of the bill, insert “any” before
“requirements”.

In section 234 of the bill, strike the section heading and insert the following: “**TRUSTED PASSENGER/REGISTERED TRAVELER PROGRAM.**”

In section 234 of the bill, insert “a trusted passenger program, commonly referred to as” before “the Registered”.

Strike section 307 of the bill and insert the following: (and conform the table of contents accordingly):

1 **SEC. 307. IMPROVEMENT OF PUBLIC TRANSPORTATION SE-**
2 **CURITY ASSISTANCE.**

3 (a) IN GENERAL.—Section 1406 of the Implementing
4 Recommendations of the 9/11 Commission Act of 2007 (6
5 U.S.C. 1135; Public Law 110–53) is amended—

6 (1) in subsection (b)(1)—

7 (A) in subparagraph (B), by inserting
8 “bollards,” after “including”; and

9 (B) in subparagraph (D), by inserting
10 after “including” the following: “projects for
11 the purpose of demonstrating or assessing the
12 capability of such systems and”;

13 (2) by redesignating subsections (e) through (k)
14 as subsections (f) through (l), respectively;

15 (3) by redesignating subsections (l) and (m) as
16 subsections (n) and (o), respectively;

1 (4) by inserting after subsection (d) the fol-
2 lowing new subsection (e):

3 “(e) PROCEDURE.—

4 “(1) TIMELINE.—

5 “(A) AVAILABILITY OF APPLICATIONS.—

6 Applications for grants under this section for a
7 grant cycle shall be made available to eligible
8 applicants not later than 30 days after the date
9 of the enactment of the appropriations Act for
10 the Department of Homeland Security for the
11 same fiscal year as the grant cycle.

12 “(B) SUBMISSION OF APPLICATIONS.—A

13 public transportation agency that is eligible for
14 a grant under this section shall submit an ap-
15 plication for a grant not later than 45 days
16 after the applications are made available under
17 subparagraph (A).

18 “(C) ACTION.—The Secretary shall make a

19 determination approving or rejecting each appli-
20 cation submitted under subparagraph (B), no-
21 tify the applicant of the determination, and im-
22 mediately commence any additional processes
23 required to allow an approved applicant to
24 begin to receive grant funds by not later than

1 60 days after date on which the Secretary re-
2 ceives the application.

3 “(2) PROHIBITION OF COST-SHARING REQUIRE-
4 MENT.—No grant under this section may require
5 any cost-sharing contribution from the grant recipi-
6 ent or from any related State or local agency.

7 “(3) ANNUAL REPORT.—Not later than the
8 date that is 180 days after the last determination
9 made under paragraph (1)(C) for a grant cycle, the
10 Secretary shall submit to the Committees on Appro-
11 priations and Homeland Security of the House of
12 Representatives and the Committees on Appropria-
13 tions and Homeland Security and Governmental Af-
14 fairs of the Senate a report that includes a list of
15 all grant awarded under this section for that grant
16 cycle for which the grant recipient is not, as of such
17 date, able to receive grant funds and an explanation
18 of why such funds have not yet been released for use
19 by the recipient.

20 “(4) PERFORMANCE.—

21 “(A) DURATION.—The performance period
22 for grants made under this section shall be a
23 period of time not less than 36 months in dura-
24 tion.

1 “(B) TIMING.—The performance period
2 for any grant made under this section shall not
3 begin to run until the recipient of the grant has
4 been formally notified that funds provided
5 under the terms of the grant have been released
6 for use by the recipient.”.

7 (5) by inserting after subsection (l), as redesign-
8 nated by paragraph (2) of this section, the following
9 new subsection (m):

10 “(m) ACCESS.—The Secretary shall ensure that, for
11 each grant awarded under this section, the Inspector Gen-
12 eral of the Department is authorized to—

13 “(1) examine any records of the grant recipient
14 or any contractors or subcontractors with which the
15 recipient enters into a contract, or any State or local
16 agency, that directly pertain to and involve trans-
17 actions relating to grants under this section; and

18 “(2) interview any officer or employee of the re-
19 cipient, any contractors or subcontractors with
20 which the recipient enters into a contract, or State
21 or local agency regarding such transactions.”; and

22 (6) in subsection (o), as redesignated by para-
23 graph (3) of this section—

24 (A) by striking paragraph (1) and insert-
25 ing the following new paragraph (1):

1 “(1) IN GENERAL.—There is authorized to be
2 appropriated to the Secretary to make grants under
3 this section—

4 “(A) \$900,000,000 for fiscal year 2010,
5 except that not more than 30 percent of such
6 funds may be used for operational costs under
7 subsection (b)(2) of this section; and

8 “(B) \$1,100,000,000 for fiscal year 2011,
9 except that not more than 30 percent of such
10 funds may be used for operational costs under
11 subsection (b)(2) of this section.”;

12 (B) by redesignating paragraphs (3) and
13 (4) as paragraphs (4) and (5), respectively; and

14 (C) by inserting after paragraph (2) the
15 following new paragraph (3):

16 “(3) EXCEPTION.—The limitation on the per-
17 centage of funds that may be used for operational
18 costs under paragraph (1) shall not apply to any
19 costs involved with or relating to explosives detection
20 canine teams acquired or used for the purpose of se-
21 curing public transportation systems or facilities.”.

22 (b) TECHNICAL ASSISTANCE PILOT PROGRAM.—

23 (1) PILOT PROGRAM REQUIRED.—

24 (A) IN GENERAL.—Not later than one year
25 after the date of the enactment of this Act, the

1 Assistant Secretary shall conduct and complete
2 a pilot program to provide grants to not more
3 than 7 public transportation agencies eligible
4 for security grants under section 1406 of the
5 Implementing Recommendations of the 9/11
6 Commission Act of 2007 (6 U.S.C. 1135; Pub-
7 lic Law 110-53) for the purpose of obtaining
8 external technical support and expertise to as-
9 sist such agencies in conducting comprehensive
10 security risk assessments of public transpor-
11 tation systems, resources, and facilities.

12 (B) METHODOLOGY.—Not later than 60
13 days after the date of the enactment of this
14 Act, the Assistant Secretary shall identify—

15 (i) a comprehensive risk methodology
16 for conducting comprehensive security risk
17 assessments using grants made under this
18 subsection that accounts for all three ele-
19 ments of risk, including threat, vulner-
20 ability, and consequence; and

21 (ii) an approved third-party provider
22 of technical support and expertise for the
23 purpose of providing external assistance to
24 grantees in conducting comprehensive se-
25 curity risk assessments.

1 (C) PARTICIPANTS.—

2 (i) IN GENERAL.—In selecting public
3 transportation agencies to participate in
4 the pilot program, the Assistant Secretary
5 shall approve eligible agencies based on a
6 combination of factors, including risk,
7 whether the agency has completed a com-
8 prehensive security risk assessment re-
9 ferred to in subparagraph (B)(i) within a
10 year preceding the date of enactment of
11 this Act, and geographic representation.

12 (ii) PRIOR EFFORTS.—No eligible
13 public transportation agency may be de-
14 nied participation in the pilot program on
15 the grounds that it has applied for other
16 grants administered by the Department for
17 the purpose of conducting a comprehensive
18 security risk assessment.

19 (D) PROHIBITIONS.—In carrying out the
20 pilot program the Assistant Secretary shall en-
21 sure that—

22 (i) grants awarded under the pilot
23 program shall supplement and not replace
24 other sources of Federal funding;

1 (ii) other sources of Federal funding
2 are not taken into consideration when as-
3 sistance is awarded under the pilot pro-
4 gram; and

5 (iii) no aspect of the pilot program is
6 conducted or administered by a component
7 of the Department other than the Trans-
8 portation Security Administration.

9 (2) REPORT.—Not later than 180 days after
10 the completion of the pilot program, the Assistant
11 Secretary shall submit to the Committee on Home-
12 land Security of the House of Representatives a re-
13 port on the results of the pilot program, including
14 an analysis of the feasibility and merit of expanding
15 the pilot program to a permanent program and any
16 recommendations determined appropriate by the As-
17 sistant Secretary.

18 (3) AUTHORIZATION OF APPROPRIATIONS.—Of
19 amounts made available pursuant to section 101 for
20 fiscal year 2010, \$7,000,000 shall be available to the
21 Assistant Secretary to carry out this subsection. Any
22 amount made available to the Assistant Secretary
23 pursuant to this paragraph shall remain available
24 until the end of fiscal year 2011.

1 (c) REPORT ON RECOMMENDATIONS OF COMP-
2 TROLLER GENERAL.—

3 (1) REPORT REQUIRED.—Not later than 90
4 days after the date of the enactment of this Act, the
5 Secretary of Homeland Security shall submit to the
6 Committee on Homeland Security of the House of
7 Representatives and the Committee on Homeland
8 Security and Governmental Affairs of the Senate a
9 report on the status of the Secretary's implementa-
10 tion of the recommendations of the Comptroller Gen-
11 eral with respect to the improvement of the adminis-
12 tration of security grants under section 1406 of the
13 Implementing Recommendations of the 9/11 Com-
14 mission Act of 2007 (6 U.S.C. 1135; Public Law
15 110-53).

16 (2) REVIEW BY INSPECTOR GENERAL.—Before
17 the Secretary submits the report required under
18 paragraph (1), the report shall be reviewed by the
19 Inspector General of the Department of Homeland
20 Security. When the Secretary submits the report to
21 Congress under paragraph (1), the Secretary shall
22 include with the report documentation verifying that
23 the report was reviewed by the Inspector General in
24 accordance with this paragraph.

At the end of title III of the bill, insert the following (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly):

1 **SEC. 312. DEPUTY ASSISTANT SECRETARY FOR SURFACE**
2 **TRANSPORTATION SECURITY.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the Transportation Security Administra-
6 tion's capacity to address surface transportation se-
7 curity would be enhanced significantly by estab-
8 lishing a position of Deputy Assistant Secretary for
9 Surface Transportation Security to lead the Trans-
10 portation Security Administration's surface trans-
11 portation security mission; and

12 (2) a Deputy Assistant Secretary for Surface
13 Transportation Security could provide the focused
14 leadership and resource management necessary to
15 implement the policies and programs that are crit-
16 ical to securing surface transportation modes and
17 ensure the effectiveness of the Surface Transpor-
18 tation Security Inspection Office, security policy and
19 grant functions affecting surface transportation
20 modes, and the Transit Security Advisory Com-
21 mittee.

1 (b) REPORT.—

2 (1) IN GENERAL.—Not later than 270 days
3 after the date of enactment of this Act, the Inspec-
4 tor General of the Department of Homeland Secu-
5 rity shall submit to the Committee on Homeland Se-
6 curity of the House of Representatives and the Com-
7 mittee on Homeland Security and Governmental Af-
8 fairs of the Senate a report on the feasibility and
9 merit of establishing a Deputy Assistant Secretary
10 for Surface Transportation Security in the Trans-
11 portation Security Administration to reflect the re-
12 ality of security threats that are faced by all modes
13 of transportation in the United States and also
14 whether establishing the position of a Deputy Assist-
15 ant Secretary for Aviation Security would more ef-
16 fectively streamline or enhance the operational and
17 policymaking capabilities of the Transportation Se-
18 curity Administration for all transportation modes.

19 (2) RECOMMENDATIONS.—The Inspector Gen-
20 eral shall include in the report recommendations
21 on—

22 (A) the most effective and efficient ways to
23 organize offices, functions, personnel, and pro-
24 grams of the Transportation Security Adminis-

1 tration under or among all respective Deputy
2 Assistant Secretary positions to be created;

3 (B) what offices, functions, personnel, and
4 programs of the Transportation Security Ad-
5 ministration would best remain outside of the
6 scope of any new Deputy Assistant Secretary
7 positions in order that such offices, functions,
8 personnel, and programs maintain the status of
9 reporting directly to the Assistant Secretary;
10 and

11 (C) any other relevant matters, as the In-
12 specter General determines appropriate.

 In the heading of title IV of the bill, strike
 “**CREDENTIALING**” and insert “**ENHANCE-**
 MENTS”.

 In the heading of subtitle A of title IV of the bill,
 strike “**Credentialing**” and insert “**Enhance-**
 ments”.

 Add at the end of subtitle A of title IV of the bill
 the following (with the correct sequential provision des-
 ignations [replacing the numbers currently shown for
 such designations]) and conform the table of contents ac-
 cordingly:

1 **SEC. 406. PIPELINE SECURITY STUDY.**

2 (a) STUDY.—The Comptroller General shall conduct
3 a study regarding the roles and responsibilities of the De-
4 partment of Homeland Security and the Department of
5 Transportation with respect to pipeline security. The
6 study shall address whether—

7 (1) the Annex to the Memorandum of Under-
8 standing executed on August 9, 2006, between the
9 Department of Homeland Security and the Depart-
10 ment of Transportation adequately delineates stra-
11 tegic and operational responsibilities for pipeline se-
12 curity, including whether it is clear which Depart-
13 ment is responsible for—

14 (A) protecting against intentional pipeline
15 breaches;

16 (B) responding to intentional pipeline
17 breaches; and

18 (C) planning to recover from the effects of
19 intentional pipeline breaches;

20 (2) the respective roles and responsibilities of
21 each Department are adequately conveyed to rel-
22 evant stakeholders and to the public; and

23 (3) the processes and procedures for deter-
24 mining whether a particular pipeline breach is a ter-
25 rorist incident are clear and effective.

1 (b) REPORT ON STUDY.—Not later than 180 days
2 after the date of enactment of this section, the Comp-
3 troller General shall submit to the Committee on Home-
4 land Security in the House of Representatives a report
5 containing the findings of the study conducted under sub-
6 section (a).

7 (c) REPORT TO CONGRESS.—Not later than 90 days
8 after the issuance of the report regarding the study con-
9 ducted pursuant to this section, the Secretary of Home-
10 land Security shall review and analyze the study and sub-
11 mit to the Committee on Homeland Security of the House
12 of Representatives a report on such review and analysis,
13 including any recommendations for—

14 (1) changes to the Annex to the Memorandum
15 of Understanding described in subsection (a)(1); and

16 (2) other improvements to pipeline security ac-
17 tivities at the Department of Homeland Security.

At the end of subtitle A of title IV (with the correct sequential provision designations [replacing the numbers currently shown for such designations]) and conform the table of contents accordingly:

18 **SEC. 407. TRANSPORTATION SECURITY ADMINISTRATION**
19 **CENTRALIZED TRAINING FACILITY.**

20 (a) STUDY.—The Secretary of Homeland Security
21 shall carry out a study on the feasibility of establishing

1 a centralized training center for advanced security train-
2 ing provided by the Transportation Security Administra-
3 tion for the purpose of enhancing aviation security.

4 (b) CONSIDERATIONS.—In conducting the study, the
5 Secretary shall take into consideration the benefits, costs,
6 equipment, personnel needs, and building requirements for
7 establishing such a training center and if the benefits of
8 establishing the center are an efficient use of resources
9 for training transportation security officers.

10 (c) REPORT.—Not later than one year after the date
11 of enactment of this Act, the Secretary shall submit to
12 the Committee on Homeland Security of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report re-
15 garding the results of the study.

