



**One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515**

December 12, 2017

The Honorable David Pecoske
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598-6001

Dear Administrator Pecoske:

During the House Committee on Homeland Security's hearing on November 8, 2017, you acknowledged, "multiple terrorist groups remain intent on attacking our surface transportation systems." We share your concern for the security of our nation's surface transportation system and remain troubled that in the ten years since enactment of the "Implementing Recommendations of the 9/11 Commission Act of 2007" (P.L. 110-53 or "the Act"), the Transportation Security Administration (TSA) has not implemented two statutory mandates aimed at hardening these systems from attack. Thankfully, yesterday's attack on transit in New York City was not a mass casualty event but, nonetheless, underscores the urgent need for TSA to move forward with these critical mandates with renewed urgency.

Under sections 1408, 1517, and 1534, the Department of Homeland Security was required to develop and issue interim final regulations by August 2008 for a public transportation security training program to better prepare transportation sector employees, including frontline workers, to deal with security threats. On December 16, 2016, TSA finally published a notice of proposed rulemaking in the Federal Register that proposed requiring public transportation operators to submit proposed security training programs to TSA for review and approval. Under the proposed rule, TSA would not set standards, such as requiring that workers in such programs pass tests or demonstrate particular skills.¹ Today, prospects for implementation of this mandate, which is nearly a decade overdue, are unclear, as TSA has not issued a final rule.

TSA has also not implemented sections 1405, 1512, and 1531 of the Act, which requires security assessments for at-risk public transportation agencies and comprehensive security plans for systems determined to be at high risk for terrorism. On December 16, 2016, TSA published an advance notice of proposed rulemaking on Surface Transportation Vulnerability Assessments and

¹ Transportation Security Administration, Department of Homeland Security, Security Training for Surface Transportation Employees, (Washington, DC: Federal Register, 81 FR 91336) (December 16, 2016), <https://www.gpo.gov/fdsys/pkg/FR-2016-12-16/pdf/2016-28298.pdf>.

Security Plans with the goal of establishing a “uniform base of vulnerability assessments and security plans for security systems and operations, as well as critical assets and/or infrastructure that these owner/operators may own or control.”² Publishing this notice is the only significant action TSA has taken on the mandate in the last year, making prospects for full implementation uncertain.

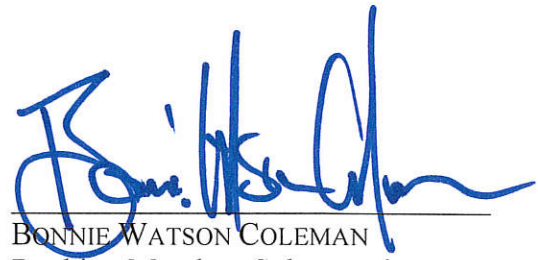
Again, given the attack on mass transit in New York this week and in light of the discussion at last month’s hearing regarding threats to surface transportation security, we urge you to intensify efforts to make meaningful progress on these key surface transportation mandates. With that in mind, and pursuant to Rules X and XI of the House of Representatives, please respond in writing by no later than December 26, 2017, on the status of TSA’s efforts to fulfill these mandates and the timeline for completion.

Thank you for your prompt attention to this matter.

Sincerely,



BENNIE G. THOMPSON
Ranking Member



BONNIE WATSON COLEMAN
Ranking Member, Subcommittee on
Transportation and Protective
Security

² Transportation Security Administration, Department of Homeland Security, Surface Transportation Vulnerability Assessments and Security Plans, (Washington, DC: Federal Register, 81 FR 91401, 91403) (December 16, 2016), <https://www.gpo.gov/fdsys/pkg/FR-2016-12-16/pdf/2016-28300.pdf>.