

a fee for any registered traveler program undertaken by the Department of Homeland Security by notice in the Federal Register, and may modify the fee from time to time by notice in the Federal Register: *Provided*, That such fees shall not exceed the aggregate costs associated with the program and shall be credited to the Transportation Security Administration registered traveler fee account, to be available until expended.”

#### ENHANCED SECURITY MEASURES

Pub. L. 107-71, title I, §109, Nov. 19, 2001, 115 Stat. 613, as amended by Pub. L. 107-296, title XIV, §1403(b), Nov. 25, 2002, 116 Stat. 2306, provided that:

“(a) IN GENERAL.—The Under Secretary of Transportation for Security may take the following actions:

“(1) Require effective 911 emergency call capability for telephones serving passenger aircraft and passenger trains.

“(2) Establish a uniform system of identification for all State and local law enforcement personnel for use in obtaining permission to carry weapons in aircraft cabins and in obtaining access to a secured area of an airport, if otherwise authorized to carry such weapons.

“(3) Establish requirements to implement trusted passenger programs and use available technologies to expedite the security screening of passengers who participate in such programs, thereby allowing security screening personnel to focus on those passengers who should be subject to more extensive screening.

“(4) In consultation with the Commissioner of the Food and Drug Administration, develop alternative security procedures under which a medical product to be transported on a flight of an air carrier would not be subject to an inspection that would irreversibly damage the product.

“(5) Provide for the use of technologies, including wireless and wire line data technologies, to enable the private and secure communication of threats to aid in the screening of passengers and other individuals on airport property who are identified on any State or Federal security-related data base for the purpose of having an integrated response coordination of various authorized airport security forces.

“(6) In consultation with the Administrator of the Federal Aviation Administration, consider whether to require all pilot licenses to incorporate a photograph of the license holder and appropriate biometric imprints.

“(7) Provide for the use of voice stress analysis, biometric, or other technologies to prevent a person who might pose a danger to air safety or security from boarding the aircraft of an air carrier or foreign air carrier in air transportation or intrastate air transportation.

“(8) Provide for the use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

“(9) Require that air carriers provide flight attendants with a discreet, hands-free, wireless method of communicating with the pilots.

“(b) REPORT.—Not later than 6 months after the date of enactment of this Act [Nov. 19, 2001], and annually thereafter until the Under Secretary has implemented or decided not to take each of the actions specified in subsection (a), the Under Secretary shall transmit to Congress a report on the progress of the Under Secretary in evaluating and taking such actions, including any legislative recommendations that the Under Secretary may have for enhancing transportation security.”

[For definitions of terms used in section 109 of Pub. L. 107-71, set out above, see section 133 of Pub. L. 107-71, set out as a note under section 40102 of this title.]

### § 115. Transportation Security Oversight Board

(a) IN GENERAL.—There is established in the Department of Homeland Security a board to be

known as the “Transportation Security Oversight Board”.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Board shall be composed of 7 members as follows:

(A) The Secretary of Homeland Security, or the Secretary’s designee.

(B) The Secretary of Transportation, or the Secretary’s designee.

(C) The Attorney General, or the Attorney General’s designee.

(D) The Secretary of Defense, or the Secretary’s designee.

(E) The Secretary of the Treasury, or the Secretary’s designee.

(F) The Director of National Intelligence, or the Director’s designee.

(G) One member appointed by the President to represent the National Security Council.

(2) CHAIRPERSON.—The Chairperson of the Board shall be the Secretary of Homeland Security.

(c) DUTIES.—The Board shall—

(1) review and ratify or disapprove any regulation or security directive issued by the Under Secretary of Transportation for security<sup>1</sup> under section 114(7)(2) within 30 days after the date of issuance of such regulation or directive;

(2) facilitate the coordination of intelligence, security, and law enforcement activities affecting transportation;

(3) facilitate the sharing of intelligence, security, and law enforcement information affecting transportation among Federal agencies and with carriers and other transportation providers as appropriate;

(4) explore the technical feasibility of developing a common database of individuals who may pose a threat to transportation or national security;

(5) review plans for transportation security;

(6) make recommendations to the Under Secretary regarding matters reviewed under paragraph (5).

(d) QUARTERLY MEETINGS.—The Board shall meet at least quarterly.

(e) CONSIDERATION OF SECURITY INFORMATION.—A majority of the Board may vote to close a meeting of the Board to the public, except that meetings shall be closed to the public whenever classified, sensitive security information, or information protected in accordance with section 40119(b), will be discussed.

(Added Pub. L. 107-71, title I, §102(a), Nov. 19, 2001, 115 Stat. 604; amended Pub. L. 107-296, title IV, §426(a), Nov. 25, 2002, 116 Stat. 2186; Pub. L. 111-259, title IV, §411, Oct. 7, 2010, 124 Stat. 2725.)

#### AMENDMENTS

2010—Subsec. (b)(1)(F). Pub. L. 111-259 amended subpar. (F) generally. Prior to amendment, subpar. (F) read as follows: “The Director of the Central Intelligence Agency, or the Director’s designee.”

2002—Subsec. (a). Pub. L. 107-296, §426(a)(1), substituted “Department of Homeland Security” for “Department of Transportation”.

<sup>1</sup> So in original. Probably should be capitalized.

Subsec. (b)(1). Pub. L. 107-296, § 426(a)(2), added subpar. (A), redesignated former subpars. (A) to (F) as (B) to (G), respectively, and struck out former subpar. (G) which read as follows: "One member appointed by the President to represent the Office of Homeland Security."

Subsec. (b)(2). Pub. L. 107-296, § 426(a)(3), substituted "Secretary of Homeland Security" for "Secretary of Transportation".

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 116. National Surface Transportation and Innovative Finance Bureau

(a) **ESTABLISHMENT.**—The Secretary of Transportation shall establish a National Surface Transportation and Innovative Finance Bureau in the Department.

(b) **PURPOSES.**—The purposes of the Bureau shall be—

- (1) to provide assistance and communicate best practices and financing and funding opportunities to eligible entities for the programs referred to in subsection (d)(1);
- (2) to administer the application processes for programs within the Department in accordance with subsection (d);
- (3) to promote innovative financing best practices in accordance with subsection (e);
- (4) to reduce uncertainty and delays with respect to environmental reviews and permitting in accordance with subsection (f); and
- (5) to reduce costs and risks to taxpayers in project delivery and procurement in accordance with subsection (g).

(c) **EXECUTIVE DIRECTOR.**—

(1) **APPOINTMENT.**—The Bureau shall be headed by an Executive Director, who shall be appointed in the competitive service by the Secretary, with the approval of the President.

(2) **DUTIES.**—The Executive Director shall—

- (A) report to the Under Secretary of Transportation for Policy;
- (B) be responsible for the management and oversight of the daily activities, decisions, operations, and personnel of the Bureau;
- (C) support the Council on Credit and Finance established under section 117 in accordance with this section; and
- (D) carry out such additional duties as the Secretary may prescribe.

(d) **ADMINISTRATION OF CERTAIN APPLICATION PROCESSES.**—

(1) **IN GENERAL.**—The Bureau shall administer the application processes for the following programs:

(A) The infrastructure finance programs authorized under chapter 6 of title 23.

(B) The railroad rehabilitation and improvement financing program authorized under sections 501 through 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821-823).

(C) Amount allocations authorized under section 142(m) of the Internal Revenue Code of 1986.

(D) The nationally significant freight and highway projects program under section 117 of title 23.

(2) **CONGRESSIONAL NOTIFICATION.**—The Executive Director shall ensure that the congressional notification requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

(3) **REPORTS.**—The Executive Director shall ensure that the reporting requirements for each program referred to in paragraph (1) are followed in accordance with the statutory provisions applicable to the program.

(4) **COORDINATION.**—In administering the application processes for the programs referred to in paragraph (1), the Executive Director shall coordinate with appropriate officials in the Department and its modal administrations responsible for administering such programs.

(5) **STREAMLINING APPROVAL PROCESSES.**—Not later than 1 year after the date of enactment of this section, the Executive Director shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Environment and Public Works of the Senate a report that—

(A) evaluates the application processes for the programs referred to in paragraph (1);

(B) identifies administrative and legislative actions that would improve the efficiency of the application processes without diminishing Federal oversight; and

(C) describes how the Executive Director will implement administrative actions identified under subparagraph (B) that do not require an Act of Congress.

(6) **PROCEDURES AND TRANSPARENCY.**—

(A) **PROCEDURES.**—With respect to the programs referred to in paragraph (1), the Executive Director shall—

(i) establish procedures for analyzing and evaluating applications and for utilizing the recommendations of the Council on Credit and Finance;

(ii) establish procedures for addressing late-arriving applications, as applicable, and communicating the Bureau's decisions for accepting or rejecting late applications to the applicant and the public; and

(iii) document major decisions in the application evaluation process through a decision memorandum or similar mechanism that provides a clear rationale for such decisions.

(B) **REVIEW.**—

(i) **IN GENERAL.**—The Comptroller General of the United States shall review the