



## Senate Bill Would Mandate TSA Involvement in Surface Transportation Security

On September 21 (two days after bombs were found near a train station in Elizabeth, New Jersey), Senator John Thune (R-S.D.) introduced S. 3379, the “Surface Transportation and Maritime Security Act,” which would establish within the Transportation Security Administration (TSA) the “Surface Transportation and Maritime Security Advisory Committee.”

Thune was joined in introducing this legislation by cosponsors Bill Nelson (D-Neb.), Deb Fischer (R-Neb.), Cory Booker (D-N.J.), and Richard Blumenthal (D-Conn.)



While the stated purpose of S. 3379 is “to improve surface transportation and maritime security,” veteran travelers who have endured the arduous (and often intrusive) TSA inspections going through airport security for the past 15 years will be dismayed to learn that the bill proposes to extend the practices employed by the TSA to “mass transit, passenger rail networks, and public areas of other transportation systems.” Getting more into specifics, the bill states:

Rail Security Services. — The Comptroller General shall conduct a study of rail security provided by the Transportation Security Administration to rail carrier and mass transit systems.

And the legislation goes on to mandate more TSA procedures to be used by Amtrak:

### SEC. 15. PASSENGER RAIL VETTING.

In General.—Not later than 180 days after the date on which the Amtrak Chief of Police and the Amtrak Board of Directors jointly submit a request to the Administrator, the [TSA] Administrator shall issue a decision on the use by Amtrak of the Transportation Security Administration’s Secure Flight Program or a similar passenger vetting system to enhance passenger rail security.

Strategic Plan.—The decision under subsection (a) shall include a strategic plan for working with rail stakeholders to enhance passenger rail security by vetting passengers using terrorist watch lists maintained by the Federal Government or a similar passenger vetting system maintained by the Transportation Security Administration.

The bill also requires the comptroller general to submit a report to Congress that “determines the extent to which the Transportation Security Administration has used a risk-based, strategic approach to determine the appropriate number of surface transportation security inspectors and resource allocation across surface transportation modes and field offices.”

At present, 70-80 percent of the TSA’s budget is allocated toward aviation security, while only two percent is used for surface transportation security. Presumably, if the comptroller general’s report to Congress recommends an increase in the number of surface transportation security inspectors, then the



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amount appropriated for surface transportation security would also be increased.

While S. 3379 clearly indicates that its authors intend to adapt TSA procedures to “improve” surface transportation and maritime security, Frederick Hill, a spokesman for the Senate Committee on Commerce, Science, and Transportation, which Thune chairs, dismisses concerns that passengers on Amtrak trains, Greyhound buses, and even ferry boats will have to endure airport-like TSA screening. “This is very much *not* creating for bus or rail transportation the [security] model that exists for aviation,” a Bloomberg report said, quoting Hill. (Italics in original.)

Most Americans are not aware that federal security regulations are already in place for modes of transportation other than aircraft. I became aware of this several years ago when taking the boat shuttle between Marco Island (near Naples), Florida, and Key West several years ago. One would think that a boat that leaves from one port in Florida and arrives at another port in the same state would not be subject to federal security regulations. However, we thought wrong. We find this language on the website of the Key West to Marco Island boat:

Federal Homeland Security Regulations prohibit allowing any passenger 18 years of age or older aboard a vessel without valid photo *identification*. Acceptable *identification* is a government issued drivers license or passport. [Underline and italics in original.]

As for what it might mean to go through security before boarding a train, I learned firsthand last year, before boarding the Eurostar train that runs under the English Channel at London’s St. Pancras international train station.

The security checkpoint at St. Pancras Station was every bit as thorough as any operated by the TSA at U.S. airports. And since there is no such thing as checked baggage on a train, every piece of luggage is subjected to the same scrutiny we normally expect of carry-on bags.

After sending my bags through the X-ray machines, a visibly irritated inspector went through my bag and found the contraband he was looking for — a small pocketknife with a blade no more than three inches in length. He determined that since the blade locked in place, this made it a dangerous weapon, whereupon he immediately confiscated it. “Leave it at home next time!” he snapped at me.

In comparison to the Eurostar inspector, most TSA inspectors I have encountered were paragons of courtesy and friendliness.

Now, granted, this train does cross an international border, but we never encountered any security screening while crossing borders by train within the EU before, including a train that ran from Nice, France, to Genoa, Italy. Even so, one might expect to find some sort of customs inspections (such as to detect smuggling operations) *after* crossing an international border, *not before*.

I have related this incident not to have any impact on how foreign governments conduct their border security operations. Indeed, it might be better if our own government were more stringent in vetting aliens who enter our country. I have described this incident only to provide an indication of what it might be like to board a train in this country if airport-like TSA security operations are instituted for domestic rail and bus travel.

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