

United States Senate

WASHINGTON, DC 20510

April 22, 2016

The Honorable Peter V. Neffenger
Administrator
Transportation Security Administration
United States Department of Homeland Security
601 South 12th Street
Arlington, Virginia 20598

Dear Administrator Neffenger:

One month ago today in Brussels, the world was reminded of the essential need to protect our airports, subways, train stations and other critical transportation hubs from tragic, terrorist acts of destruction. Congress was fully aware of such threats in August 2007, when it passed landmark legislation requiring the Department of Homeland Security to take rigorous, robust action to stem the tide of terrorist threats to transportation on our shores – including our surface transportation network. These calls for action required TSA to complete a number of critical security mandates by August 2008. But now, almost eight years since the deadline for these efforts, TSA is nowhere near completing the necessary actions that will help protect rail stations, transit facilities and bus stops and prevent attacks on “soft targets” throughout our surface transportation network.

I write to ask: (1) why TSA has failed so dramatically in carrying out these requirements; and (2) when TSA will finally achieve the results Congress sought almost a decade ago.

The Implementing Recommendations Act of the 9/11 Commission Act of 2007 required TSA to take three important actions: (1) ensure all high-risk target railroads have strong, sufficient security plans; (2) ensure public transportation agencies, railroads and bus providers have training standards on security threats and conditions for frontline employees; and (3) ensure public transportation agencies and railroads conduct rigorous, name-based security background checks and immigration status checks on all frontline employees. Unfortunately, TSA has not met these statutory requirements.

I raised this issue last year at your nomination hearing, but TSA failed to provide definitive timelines. I raised this issue again in August after an averted terrorist catastrophe on a train in Europe, and TSA informed me that the proposed security-planning rule and the training rule were “in the final stages of regulatory development” and were on track to be published “by the end of Fiscal Year 2016.” The vetting rule was given a projected timeframe *after* completion

of the first two rules – which could be years from now. I received a follow-up response from your office last month, informing me that all three rules were further delayed: TSA had yet to formally collect information and data on how to develop a proposed security-planning rule; the proposed training rule would be published “in 2016” – which could be later than the fiscal year timeframe I was told in September; and the vetting and the background check rule remained “on a slower track.” All of these timelines concern proposed rules – not even final rules.

Overall, the responsibility for completing these rules apparently will be passed to the next administration. The past and ongoing delays is inexcusable. I recognize there are some collaborative, consensus-led efforts to achieve the goals of the 9/11 Act short of actual rules. But Congress required rules, and after a distressing, disheartening decade of foot dragging and delay, these rules are nowhere near done. Although many associate TSA with aviation, whereas these rules concern surface transportation, our passenger rail systems carry five times as many passengers as airlines, through a massive nationwide network. It is no less urgent – and no less within your agency’s statutory mandate – that these critical transportation hubs receive attention and protection immediately.

I appreciate your attention to these issues and your prompt response to my questions. Moreover, I continue to extend my invitation for you to come to Connecticut to visit key transportation facilities and discuss with stakeholders how we can all work together to ensure the safety and security of our transportation network.

Sincerely,



Richard Blumenthal
United States Senate