Surface Transportation Security Advisory Committee Annual Report to the Administrator of the Transportation Security Administration and to the Congress of the United States for 2020

March 2021

In accordance with the requirements of the Transportation Security Administration (TSA) Modernization Act of 2018, the Surface Transportation Security Advisory Committee (STSAC) submits this annual report on its priorities, activities, and accomplishments to the TSA Administrator and to multiple committees of the United States Congress. The period covered by the report extends into early 2021 – to present the inaugural recommendations of the Committee, as developed during 2020, unanimously approved by the voting members in January 2021, and submitted to the TSA Administrator on February 2, 2021.

The report addresses the following subject areas:

1) Summary of Recommendations to the TSA Administrator
2) Establishment of the STSAC
3) Purpose of the STSAC
4) Meetings of the STSAC and Subcommittees
5) Defining Priorities for Organization and Action
6) Tasking Letter from the TSA Administrator
7) Accomplishments and Longer-Term Objectives
8) Acknowledgments
9) Appendices:
   a. Appendix A: Forwarding Memorandum and Recommendations of the STSAC to the TSA Administrator (February 2, 2021)
   b. Appendix B: COVID-19 Best Practices and Lessons Learned Workshop
   c. Appendix C: Extract of Section 1969 of the *TSA Modernization Act of 2018*; and
   d. Appendix D: STSAC – Timeline of Activities

1) Recommendation to the TSA Administrator:

Based on the deliberations and work accomplished since its formation, which has included efforts managed through task-focused subcommittees whose priorities and scope of activity align directly with the outcomes and areas of emphasis defined by the Administrator of the Transportation Security Administration (TSA), the STSAC has approved, and submitted to the Administrator, 18 recommendations for actions to enhance surface transportation security, critical infrastructure protection, emergency preparedness, and operational resiliency.

The STSAC held a special session on January 25, 2021, in which voting and non-voting members participated, to review, consider, and vote upon each of the 18 recommendations offered through the four subcommittees. The breakdown of the recommendations by subcommittees is as follows: Security Risk and Intelligence (4); Cybersecurity Information Sharing (4); Insider Threat (8); and Emergency Management and Resiliency (2). The STSAC's voting members unanimously approved all 18 recommendations. They were submitted through official correspondence delivered to the TSA Administrator as of February 2, 2021.

The inaugural 18 recommendations, which follow in summary format immediately below, are grouped under the STSAC Subcommittee of principal responsibility for their development, presentation, and coordination and oversight of implementation. The full delineation of the recommendations, similarly organized, and the forwarding memorandum to the TSA Administrator are set out at Appendix A of this report.

Summary of the Recommendations to the TSA Administrator:

- **Security Risk and Intelligence:**
  - Recommendation #1: Request establishment of a National Intelligence Manager for surface transportation;
  - Recommendation #2: Use private sector intelligence requirements to guide federal intelligence collection and inform intelligence analyses and product development by Intelligence Community agencies and analytical centers;
  - Recommendation #3: Approve and implement the Surface Information Sharing Cell (SISC) charter; and
  - Recommendation #4: Complete the Security Risk Methodology Matrix as a resource to support efforts to drive down risk across surface transportation modes.

- **Cybersecurity Information Sharing:**
  - Recommendation #1: Establish a surface transportation cyber information sharing network on threats, incidents, and security concerns and related alerts, advisories, analyses, and assessments;
  - Recommendation #2: Manage the operations of the Surface Information Sharing Cell (SISC) under the express authorization provided by the Cybersecurity Information Sharing Act of 2015;
  - Recommendation #3: Establish effective procedures for broad sharing of cyber threat and security information across surface transportation modes; and
  - Recommendation #4: Conduct an annual review to assess the performance and impact of the Surface Information Sharing Cell (SISC).

- **Insider Threat:**
    - Recommendation #1: Expand the newly established Insider Risk Mitigation Hub (IRMH) by integrating surface transportation industry representatives and leveraging the combined expertise of public and private security professionals;
    - Recommendation #2: Develop a Case Optimization and Risk Evaluation (CORE) tool by applying analyses of, and lessons learned from, case studies of insider incidents that have affected transportation organizations;
    - Recommendation #3: Implement a nationwide online tip capability providing a timely and simple means to report suspicious activity and threats for surface transportation organizations lacking effective procedures for reporting significant security concerns;
    - Recommendation #4: Define parameters for assessing the level of potential insider threat risk posed to organizations in the surface transportation modes;
    - Recommendation #5: Produce and disseminate recommendations on effective practices for workforce vetting programs for surface transportation organizations tailored to the high, medium, and low risk categories;
    - Recommendation #6: Expand the scope of participation in TSA's existing Insider Threat Executive Steering Committee by including representatives of the STSAC and Aviation Security Advisory Committee (ASAC);
    - Recommendation #7: Establish a consistent process to facilitate communication by federal agencies to transportation organizations of sensitive information on reports or allegations of terrorist or extremist ties, or suspected illicit insider activity, on workers; and
    - Recommendation #8: Maintain a consolidated insider threat information resource for transportation on the Homeland Security Information Network (HSIN).

- **Emergency Management and Resiliency**:
    - Recommendation #1: Enhance pandemic preparedness by sharing lessons learned on response to COVID-19 across modes; and
    - Recommendation #2: Support COVID continuing education to enhance response capabilities and resiliency through recurring review and update of the report on effective practices and lessons learned and supporting information.

The remainder of this report addresses the establishment and organization of the STSAC; the setting of priorities and objectives, near- and long-term; and the work and accomplishments that made these recommendations to the Administrator attainable.

2) **Establishment of the Surface Transportation Security Advisory Committee (STSAC):**

Section 1969 of the *TSA Modernization Act of 2018* (Public Law 115-254 – October 5, 2018) amends the Homeland Security Act of 2002 6 U.S.C. 201 et seq.) to direct the Administrator of the Transportation Security Administration (TSA) to establish the Surface Transportation Security Advisory Committee (STSAC).

During the period of mid-February to late March 2019, TSA Administrator David Pekoske led the process for soliciting applications for membership in the Committee across the categories of expertise and experience delineated in the *TSA Modernization Act of 2018*. The specific actions taken included the following:

- Request for applications – published in the Federal Register as of February 12, 2019, with a 30-day response period;
- As of March 14, 2019, applications had been received from professionals in eight of the membership categories defined by the statute;
- A thorough evaluation process resulted in the selection of 35 applicants as the initial voting members of the STSAC;
- On April 5, 2019, Administrator Pekoske announced the appointment of the voting members of the Committee;
- Outreach in the latter part of 2018 and early 2019 among departments and agencies with oversight or support responsibilities for surface transportation had identified 14 federal officials to serve as non-voting members; and
- After attending to necessary organizational matters and aligning schedules of participants, the Committee held its first meeting on July 11, 2019.

3) **Purpose of the STSAC:**

Consistently with the legislative mandate, the STSAC serves as the principal advisory body to "advise, consult with, report to, and make recommendations to the Administrator on surface transportation security matters." (Homeland Security Act of 2002, as amended – Section 404(b)(1)).

- The scope of this effort encompasses "the development, refinement, and implementation of policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security." (Homeland Security Act of 2002, as amended – Section 404(b)(1)).
- Per its authorizing statute, the Committee is called upon to – and does – "consider risk-based security approaches in the performance of its duties." (Homeland Security Act of 2002, as amended – Section 404(b)(2)).

As the details on organization, priorities, and accomplishments that follow in this report thoroughly illustrate, the STSAC is meeting its advisory responsibilities to the TSA Administrator exceptionally well. Simultaneously, the Committee has provided an invaluable

coordination forum among leaders in surface transportation in the private sector and state and local government. As a result, the STSAC voting members have developed and maintained unified positions on priorities for action to enhance transportation security and emergency management and resiliency that have driven cooperative efforts with the Aviation and Maritime sectors and unique joint initiatives with TSA, the Department of Transportation (DOT), and the Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency (CISA).

4) **Meetings of the STSAC and Subcommittees:**

The Surface Transportation Security Advisory Committee (STSAC) has met as a whole – voting and non-voting members – on a quarterly basis since the initial organizational session in July 2019. Per the relevant provision of the *TSA Modernization Act of 2018,* at least one session of the full STSAC must be open to the public each year. The dates of the full quarterly STSAC meetings held as of the end of 2020 follow – with the public meetings so indicated:

<u>2019</u>   <u>2020</u>
July 11 (Public)   January 30
October 24   April 30
                      July 30
                      November 5 (Public)

The voting members of the STSAC have convened on several occasions for consultations on priorities for action and progress in their attainment – as part of preparations for the full Committee sessions. Consultations and sharing of information on matters relating to surface transportation security and emergency preparedness occurs on a continuous basis via email. These efforts contributed substantially to the finalization of the recommendations to the TSA Administrator and to the successful conduct of the ad hoc voting session on January 25, 2021.

For purposes of meeting the priorities defined by the STSAC, four task-focused subcommittees have been established. These subcommittees are staffed by voting members; non-voting members – federal officials with departments and agencies with responsibilities for surface transportation; and, in some cases, invited subject matter experts who bring specific context and insights from experience with issues or activities of interest and concern. Since their establishment in March 2020, the four subcommittees have cumulatively convened for dozens of virtual meetings – by video call or teleconference. The limitation to virtual sessions to date reflects the effects of COVID-19 risk mitigation measures.

5) **Defining Priorities for Organization and Action:**

In advance of the scheduled meeting in January 2020, the voting members of the Surface Transportation Security Advisory Committee (STSAC) convened and consulted to define priorities for action. The areas of emphasis identified consisted of the following:

- Threat intelligence and security information sharing;
- Governmental structure and engagement for sharing of timely, relevant, and actionable

threat intelligence and security information sharing;
- Information protection;
- Security risk assessment and mitigation;
- Cybersecurity;
- Sharing of cyber threat intelligence and security information.
- Insider threat;
- Emergency preparedness and incident management; and
- Operational resiliency.

To facilitate the focused efforts needed to attain these priorities, for both the near- and long-terms, at this same session the Committee's voting members agreed to establish four subcommittees. Their designations and areas of focus follow:

Security Risk and Intelligence:
- Define priorities to expand the scope and enhance the quality of intelligence collection, analysis, and dissemination – classified and unclassified – for surface transportation security.
- Develop priority intelligence requirements to support surface transportation organizations in assuring informed awareness for prevention and response.
- Expand the role and functions of the TSA Surface Information Sharing Cell (SISC) to serve as the security information exchange hub for the surface transportation modes and TSA and its federal interagency partners.
- Working with counterparts in government, promote a more effective organizational structure for intelligence support, notably by the establishment of a National Intelligence Manager (NIM) for surface transportation.

Cybersecurity Information Sharing:
- Develop innovative proposals that advance cyber threat awareness, security enhancement, and risk mitigation for the six modes of surface transportation represented by the STSAC.
- Assess cyber security needs and identify capabilities and effective practices to address them.
- Define applicable cyber threat intelligence priorities.
- Maintain a practical approach, focusing on near-term actions for risk mitigation and longer-term solutions to sustain effectiveness.

Insider Threat:
- Evaluate the insider threat to surface transportation for purposes of developing near-term actions and longer term strategies for sustained risk mitigation.
- Review case studies of significant insider threat incidents that have impacted surface transportation to identify lessons learned – on indicators of the developing threat and of illicit activity and on effective practices for security enhancement.

- Propose cooperative government and industry solutions for expanded awareness and informed protective measures

Emergency Management and Resiliency:
- Identify opportunities for, and produce recommendations on, cooperative actions for surface transportation organizations to pursue with government counterparts to enhance capabilities for, and effectiveness in:
  o Management of emergency situations, whether the result of natural or intentional causes; and
  o Operational resiliency to enable prompt restoration of impacted services.

The voting members presented this planned course of action to the TSA Administrator at the January 2020 meeting of the full STSAC. The organizational structure and objectives set for the announced subcommittees aligned very well with the priorities set by the Administrator in his charge to the Committee during remarks made to open this session.

The STSAC's four subcommittees were established as of March 2, 2020 – with the subsequent submission of their charters, appointment of industry and government co-chairs and designated federal officials, and roster of voting members who volunteered to serve. Representatives of multiple federal agencies, most notably from TSA and DOT, joined each of the subcommittees, adding essential expertise and experience.

6) **Tasking Letter – TSA Administrator:**

Building on the substantial progress attained during the sessions held in January 2020 and the subsequent actions in establishing four task-oriented subcommittees, TSA Administrator Pekoske presented the STSAC with official correspondence requesting action to meet the shared priorities in surface transportation security and emergency preparedness.

- In this letter, dated April 8, 2020, the Administrator emphasized the "knowledge and expertise this committee brings to the table play a vital role in TSA's continued efforts to bring forth security solutions that work for industry, government, and the traveling public."
- Highlighting "the STSAC's unique perspective, depth of knowledge, and experience as subject-matter experts," the Administrator asked the Committee to report on three areas and, based on input from the STSAC members, recognized three more areas of focus.

The three areas on which the Administrator specifically requested the Committee to report are:

- Improving cybersecurity information sharing – focusing on:
  - Recommendations on structuring information-sharing agreements to provide a level of assurance and encourage voluntary reporting from the surface transportation industry; and
  - Recommendations on how TSA can work with surface transportation operators, their respective industry associations, and information-sharing centers to identify

information-sharing and reporting mechanisms across surface transportation subsector, such as Information Sharing and Analysis Centers (ISACs) and Railway Alert Network (RAN), to create a surface-wide information-sharing network.

- Addressing insider threat – focusing on:
    - Defining the elements of "insider threat" in the surface transportation modes;
    - Identification of the aspects of insider threat that are of greater concern;
    - Recognized practices that are common among mature surface transportation insider threat programs with an analysis of the most effective program elements;
    - Recommendations for programs or information products that TSA could consider for development to further insider threat countermeasures; and
    - Formation of a TSA-led joint working group to review options for risk-based vetting of surface transportation employees against the terrorist watchlist.

- Measuring security effectiveness for surface transportation – focusing on:
    - Recommendations for viable performance measures and processes to collect relevant data that would document successes in risk reduction and in raising the security baseline to include the qualitative impact of sustained security efforts demonstrated by industry.

Based on the input received from the STSAC, the Administrator recognized three additional areas of focus:

- **Intelligence and security information sharing** – specifically acknowledging "that the Committee has formed a Security Risk and Intelligence Subcommittee" and committing that "TSA will work with the subcommittee to develop solutions for improving the processes for generating and disseminating intelligence and security information products";

- **Information protection** – based on the input from the STSAC identifying "a concern with the protection of certain infrastructure and operational information that, when required to be made available to state, local, and tribal governments, may result in uncontrolled disclosure with potential implications on security" with a commitment that the "Security Risk and Intelligence Subcommittee can work with TSA to examine the specific types of information that need to be protected and evaluate the relative security risks associated with public disclosure of this information to inform consideration by TSA of the merits of these concerns and possible remedial actions; and

- **Coronavirus disease 2019 (COVID-19) response** – expressing interest in the "STSAC's general perspectives" and context on "lessons and best practices with particular emphasis on support and information from both TSA and CISA."

Significantly, these priorities and areas of focus reflect the public-private partnership in action, melding the initiative, perspectives, and priorities of the industry representatives and government

officials involved in and leading this collaborative effort. A clear demonstration of this effect is the ready alignment of the outcomes defined in the Administrator's tasking letter with the subcommittee structure and objectives for action the STSAC members had already established.

TSA Administrator's Request	STSAC Established Subcommittee
Improving Cybersecurity Information Sharing	Cybersecurity Subcommittee
Addressing Insider Threat	Insider Threat Subcommittee
Measuring Security Effectiveness	Security Risk and Intelligence Subcommittee
COVID-19 Response	Emergency Management and Resiliency Subcommittee
Intelligence and Information Sharing	All Four Subcommittees
Information Protection	All Four Subcommittees

The Administrator's letter concluded with a request for reports "describing the work accomplished through each of the subcommittees for the taskings identified within this letter" and "all the recommendations approved by the Committee." The STSAC has met both of these requests:

- As of September 10, 2020, the STSAC completed and submitted to the Administrator initial reports from each of the four subcommittees that addressed the following subjects:
  - Defined security enhancement and preparedness priorities;
  - Accomplishments attained or near completion; and
  - Objectives for continuing effort.
- A review by the full STSAC accompanied these reports as a complement, addressing the priorities set by each of the four subcommittees through the lens of what can be done now; why; and how,
- The contents of these reports are more fully addressed in the next section.
- As noted at the outset of this report, the STSAC submitted its inaugural 18 recommendations, each approved unanimously by the voting members, to the Administrator as of February 2, 2021. The full delineation of the approved recommendations and the memorandum that forwarded them to the TSA Administrator are set out at Appendix A to this report.

7) **Accomplishments and Longer-Term Objectives:**

The STSAC has reported to the TSA Administrator on multiple occasions, through verbal briefs and written products, to provide status updates on its work to attain defined priorities and meet the specific elements of the April 2020 tasking correspondence.

Since the establishment of the subcommittees in March 2020, each subsequent meeting of the Committee – specifically, those held on April 30, July 30, and November 5 in 2020 – has

allocated the bulk of the agenda to reports by the four groups on their accomplishments and progress.

Additionally, as of September 10, 2020, the STSAC submitted written reports to TSA Administrator Pekoske on the work of each subcommittee, with an accompanying summary presenting the position of the Committee as a whole on actions that can, and should, be implemented in the near term. The latter summary report provides the basis for the recommendations to the Administrator on near-term actions to enhance surface transportation security and emergency preparedness for implementation that are presented in summary fashion at the beginning of this report and set out fully at Appendix A.

For the November 5, 2020, public meeting, the industry and government co-chairs for each subcommittee, or their designees, presented status reports based on work and progress made since the filing of the written reports on September 10. Remarks by the STSAC Chair and Vice Chair outlined the recommendations that the Committee, based on the progress attained, then anticipated making to the TSA Administrator. The following points delineate the accomplishments and longer-term objectives of each of the subcommittees in meeting the priorities defined by the Administrator and the full STSAC – as presented during the November 5 public meeting.

Security Risk and Intelligence:

Accomplishments to Date:

Full Subcommittee:

- Established three sub-working groups: SISC Governance; Current Industry Information Requirements (CIIR); and Risk. These groups are comprised of industry and government subject matter experts encompassing all surface modes and federal government transportation and critical infrastructure agencies.
- Collectively, these working groups have met virtually more than 25 times via WEBINARS and teleconferences since May 2020.
- Focused outreach assembled substantive input on current status and recommended enhancements for all three substantive areas.

Surface Information Sharing Cell (SISC) Governance Working Group:

- Recommended designation of the SISC as the information sharing and exchange hub for surface transportation security – for industry and government.
- Clarified role and capabilities of the SISC – a two-way channel for intelligence integration, information sharing, and coordinated efforts to inform vigilance and preparedness measures and actions. For analytical support, the SISC reaches into TSA Intelligence and Analysis, the Intelligence Community, and industry across all surface modes.
- Recommended the establishment of an Executive Steering Committee for the SISC and defined membership for industry and government representatives.

- Identified specific options and benefits of establishing a National Intelligence Manager (NIM) for Surface Transportation in the Office of the Director of National Intelligence (ODNI) as a "champion" and coordinating lead for intelligence collection and analysis.

Critical Industry Information Requirements (CIIR) Working Group:

- Conducted interviews with representatives of surface transportation organizations by mode and geographic area to define critical industry information requirements.
- All stressed the need for a streamlined process to coordinate industry information needs and to consolidate these priorities in a unified plan designed for surface transportation specifically.
- Emphasized need to assure timely sharing of information for analysis and of finished intelligence analyses for ready accessibility to representatives of organizations across all surface modes.

Risk Working Group:

- Identified the following persistent challenges as priorities for attention and action:
    o Determining and assembling meaningful and repeatable data on security preparedness efforts.
    o Extensive volume and variations of government and private sector risk assessment tools and models have caused lack of understanding of purposes and capabilities.
    o Misalignment of government funding authorizations and appropriations and surface transportation industry security priorities and related concerns.

Longer-Term Objectives:

Surface Information Sharing Cell (SISC) Governance Working Group:

- Coordinate with Office of the Director of National Intelligence (ODNI) officials on designation of a National Intelligence Manager (NIM), or similar lead, for Surface Transportation.
- Ensure this position and its functions are maintained through any personnel changes or rotations. The NIM will improve the structure, processes, and opportunities for increased surface transportation information sharing, analysis and production.
- Convene the SISC's Executive Steering Committee to prepare and implement the SISC charter and governance structure and procedures.
- Ensure the SISC complements proven information sharing processes in effect across surface transportation modes – to avoid duplication of effort.

Critical Industry Information Requirements (CIIR) Working Group:

- Establish a sustainable process for recurring review and update, on not less than a bi-annual basis, for CIIRs for surface transportation jointly developed by industry and

government partners.
- Apply the CIIRs to define formalized requirements for intelligence collection and analysis for use by the Intelligence Community for production purposes.
- Maintain flexibility to update CIIRs based on significant developments in the threat to surface transportation and its manifestation in attacks, attempts, and disrupted plots.
- Keep CIIRs current and relevant – based on experience with threats and risks faced by the surface transportation modes.
- Ensure an efficient process is in place to utilize reporting provided by industry organizations in intelligence products for the surface transportation community.

Risk Working Group:

- Develop and maintain, through recurring reviews and updates, the Security Risk Methodology Catalog.
- This Catalog will provide a detailed overview of widely used risk assessment and mitigation models and tools employed by surface transportation stakeholders.
- The objective is to provide a consolidated product that will help stakeholders more accurately identify, analyze, and measure risk and set security priorities for prevention and response capabilities.

Cybersecurity Information Sharing:

Accomplishments to Date:

- Defined the concept for the needed information sharing hub on cyber threats, incidents, and indicators of security concern in surface transportation.
- "Hub and spokes" concept – with TSA's Surface Information Sharing Cell (SISC) as the centralized "hub" serving as the collection and exchange point for government alerts, assessments, and analyses and for reports of significant cybersecurity concerns from representative organizations of the surface transportation modes; and the industry information sharing organizations for each mode as the "spokes" to report significant cybersecurity concerns and to receive, and disseminate broadly across surface modes, cyber alerts, assessments, and analyses.
- Coordinated panel discussion held on October 16, 2020. In summary:
  - Event featured representatives of the Downstream Natural Gas Information Sharing and Analysis Center (ISAC); Public Transportation and Over the Road Bus ISACs; Railway Area Network (RAN); Surface Information Sharing Cell (SISC); and Aviation Domain Intelligence Integration and Analysis Cell (ADIAC).
  - Presentations, questions, and discussions focused on the compiled list of threat information resources detailing what information sources are currently being used by the differing information sharing communities as well as where and how they can be leveraged.
  - Consensus attained on orienting TSA's Surface Information Sharing Cell (SISC) to assure its effective functioning as a "hub" of information for all the "spokes."

All information can feed into the SISC (hub) and then push back out to the surface transportation information sharing communities (spokes).

Longer-Term Objectives:

- Continue dialog with SISC leaders and associated governance to ensure common understanding of capabilities and alignment of expectations on proper, effective, and sustainable roles and responsibilities.
- Catalog the compilation of information resources provided by each existing information sharing entity in surface transportation for cyber threats, incidents, and related security concerns.
- Produce recommendations for the SISC to consider and apply in defining its role and engaging its capabilities long-term as a cybersecurity information sharing hub to meet the needs of surface transportation organizations across modes, including threat analytics.
- Resolve resource and operational constraints that pertain for some organizations, which includes willingness to release information beyond the directly supported surface mode.

Insider Threat:

Accomplishments to Date:

- Recruited public and private sector subject matter experts to inform and guide the work of the subcommittee, applying prior experiences with insider threat incidents and effective risk mitigation practices.
- Collected and documented historical case-studies of insider incidents to determine potentially effective methods of identifying and mitigating current and future threats.
- Identified potential operational challenges for implementation of risk management initiatives, notably:
    - Funding;
    - Consistency and interoperability across various modes of transportation and worker populations; and
    - Authority to access federal resources to support thorough and consistent background vetting, such as Rap-back, Terrorist Screening Database, and Terrorist Watchlist Vetting services.
- Reviewed and aligned Subcommittee's efforts with six focus areas developed by the Aviation Security Advisory Committee's (ASAC) Insider Threat Subcommittee, specifically evaluating the relevance and applicability of its findings to surface transportation operations, facilities, and vehicles, regulatory requirements or current security action items, and logistical constraints. The focus areas are:

    1) Threat Detection, Assessment, and Response;
    2) Worker Vetting and Evaluation;
    3) Worker Screening and Access Control;
    4) Training and Engagement;

5) Information Sharing; and
6) Governance and Internal Controls.

- Established a subcommittee working group to perform a detailed evaluation of worker vetting programs and establish a protocol for risk-based vetting standards.

<u>Longer-Term Objectives:</u>

- Continue analysis of the Aviation Security Advisory Committee's (ASAC) Insider Threat focus areas and how they relate to surface transportation, gathering subcommittee member feedback for analysis and recommended actions in a final report.
- Categorize positions in surface transportation based on potential risk factors for insider threat, including employees that perform security sensitive functions, other types of employees, contractors, and third-party vendors.
- Develop a matrix of public and private-industry workforce vetting programs and their respective functional elements as a resource for the surface transportation community, industry and government.
- Report to the STSAC and TSA Administrator on the subcommittee's efforts, analysis, and findings related to the following topics:
  - o Elements of "insider threat" related to surface transportation;
  - o Aspects of insider threat that are of elevated concern;
  - o Prioritizing higher risk populations;
  - o Common effective practices of mature public and private insider threat programs – with an analysis of how they can be adapted and applied by surface transportation organizations; and
  - o Recommendations for initiatives that support the unique needs of surface transportation, including various levels of vetting for diverse groups of employees and independent contractors.

Emergency Management and Resiliency:

<u>Accomplishments to Date:</u>

- Prioritized conduct of an in-progress review of how surface transportation organizations have responded to the COVID-19 pandemic.
- Engaged with representatives of each of the surface transportation modes to solicit practical experience with preparedness for and response to the COVID-19 pandemic.
- Assessed experience in managing the direct and indirect effects of the COVID-19 pandemic, and its broader implications, through analyses of five categories of activities:
  - o Planning;
  - o Logistics;
  - o Information Sharing;
  - o Response; and
  - o Legal Considerations and Union Contracts and Agreements.

- Obtained substantive data based on experience from each surface mode on what worked well, what did not, and how matters could have been better managed or addressed.
- Convened a COVID-19 Best Practices and Lessons Learned Workshop in September 2020.
- The workshop brought together a group of surface transportation security partners – from industry and government across all modes – to share, discuss, and validate COVID-19 effective practices and lessons learned related to transportation operators' pandemic planning, logistics, information sharing, and response.

Longer-Term Objectives:

- Update the report on effective practices and lessons learned for the COVID-19 pandemic based on continuing experience with the virus, actions taken to accommodate effects of the reopening of businesses and impacts of reinstatement of restrictions to combat surges.
- Prioritize recommendations – for industry actions to elevate capabilities for pandemic preparedness and response and for government to support validated industry needs for worker and public health and safety.
- Identify priorities for evaluation of preparedness and resiliency to meet the demands of other types of emergencies, whether caused by natural hazards or intentional acts.
- Support awareness and preparedness initiatives relating to emergency management and resiliency by developing plans, guides, and action items through the public-private partnership as aids for implementing recommendations to enhance effectiveness and sustainability.

The breadth of expertise and experience assembled by each of the four subcommittees collectively enabled the progress and outcomes that produced the 18 recommendations unanimously approved as the inaugural priorities for action presented by the STSAC to the Administrator of the Transportation Security Administration.

Broader Impact – Expanded and Enhanced Cross-Modal Coordination:

As noted earlier in this report, the Surface Transportation Security Advisory Committee (STSAC) has provided an invaluable coordination forum among leaders in surface transportation in the private sector and state and local governments. The most substantial, and impactful, manifestation of this approach is the support accorded to preparedness across transportation modes to meet the unprecedented challenges and demands imposed by the continuing coronavirus disease 2019 (COVID-19) pandemic. Specific accomplishments attained through the initiative of STSAC members include the following:

- Raised the need to craft an exemption for critical infrastructure workers from restrictions that would then potentially be implemented by state and local government raised with DHS/CISA in early March 2020 – some three weeks before the first such order in New York state.

- Presented a unified position – STSAC joining the Aviation Security Advisory Committee (ASAC), TSA, DOT, and DHS/CISA's assigned sector liaison – that assured effective

coverage of functions performed by employees, contractors, and suppliers in the Transportation Sector for the Guidance on Essential Critical Infrastructure Workers produced by CISA for the original version and subsequent updates.

- Coordinated the joint and unified position of industry and government for the Transportation Sector on expansions and enhancements of the instructions on usage of the CISA Guidance on Essential Critical Infrastructure Workers, elevating its effectiveness as a tool to assure continued performance by employees, contractors, and suppliers of critical functions.

- Coordinated the joint and unified position of industry and government for the Transportation Sector on impediments to essential workers performing critical functions that emerged in the wake of issuance of the first state travel quarantine orders in late March 2020. This effort prompted the Director of CISA to reinforce with state governors the applicability of the Guidance on Essential Critical Infrastructure Workers to the range of restrictions ordered to curtail spread of COVID-19. Blocks to transportation workers crossing state lines were swiftly eliminated – and have not recurred.

- Coordinated the joint and unified position of industry and government for the Transportation Sector that changed policy decisions at DHS/CISA and the Federal Emergency Management Agency (FEMA) and secured shipment of more than 15 million reusable and washable cloth facial coverings to organizations in the aviation, maritime, and surface modes of transportation. After shipping millions of the facial coverings to organizations in some sectors, CISA and FEMA had opted for a state-based approach for further distribution. Members of the STSAC engaged with members of the ASAC and officials at TSA and DOT to produce a unified request for the change in position that assured needed supplies at a time of serious shortfalls in availability of procurements from private sources. As a result, transportation workers have been equipped for protection against spread of the virus and operations have continued – for transport of passengers, including medical and health care providers, and for essential products, commodities, and materials.

- Facilitated cooperative engagement by representatives of the aviation and surface modal Sector Coordinating Councils to develop and propose a unified position on prioritization in allocation of pending COVID-19 vaccines for essential workers at higher risk of exposure to the virus due to their employment settings, conditions, or interactions with the public or workers in other industries. Presented this position to the Critical Infrastructure Cross Sector Council and gained the unified support of representative of all 17 critical infrastructure sectors and several sub-sectors. This concerted effort, maintained since July 2020, has resulted in:

  - Specific provision in the DHS/CISA Guidance on Essential Critical Infrastructure Workers that urges state and local authorities to consider these workers in the allocation of limited resources, including the vaccinations.
  - Adoption of the unified position, as presented in written comments by the

Critical Infrastructure Cross Sector Council, by the National Academies of Science, Engineering, and Medicine (NASEM) in its recommendations to the Centers for Disease Control and Prevention (CDC) that critical infrastructure workers be prioritized at Phase 2 – the second highest level – for vaccine allocation.

- Adoption of the unified position in two versions of the "Interim Playbook" published by the CDC, listing critical infrastructure workers, as defined by DHS/CISA, at the Phase 2 prioritization level for COVID-19 vaccine allocation.
- Prioritization of essential transportation workers at allocation levels Phase 1b and Phase 1c in the official guidance on vaccine administration issued by the CDC as of January 2021.

8) Acknowledgments:

The Chair and Vice Chair commend all members of the Surface Transportation Security Advisory Committee (STSAC) – industry and government. In a short period of time, while simultaneously confronting the unprecedented challenges posed by the response to COVID-19, cyber attack campaigns exploiting expanded opportunities to compromise networks due to the dramatic increase in teleworking and remote access, severe and climate weather events, and extensive demonstration activity nationwide exploited in numerous cities by individuals or groups on committing criminal acts, each of the four subcommittees, and the STSAC as a whole, has attained substantial, and admirable, progress. As this report well demonstrates, priorities are defined, accomplishments to implement them attained, and objectives for continuing efforts set. The recommendations to the TSA Administrator address actions that can, and should, be taken in the near term; why these initiatives matter for surface transportation security, emergency preparedness, and operational resiliency; and how they may be implemented. It must be remembered that this work is in addition to demands imposed by full-time positions necessarily operating at high tempo all year. Many nights and weekends have been devoted to the work of the STSAC as a result.

All members of the Committee, and participants in its work, express appreciation to Administrator David Pekoske for according the opportunity to serve in these capacities and for encouraging innovative thinking in the development of proposed solutions for long-standing challenges. In similar vein, we gratefully acknowledge the exceptional support provided by executive and policy leads at TSA since the Committee's inception, including Victoria Newhouse, Stacey Fitzmaurice, Sonya Proctor, Scott Gorton, Henry Budhram, and Judith Harroun-Lord.

Further, we gratefully acknowledge the support provided by Steve Alterman and Chris Bidwell, respectively the Chair and Vice Chair of the Aviation Security Advisory Committee (ASAC). Their willingness to share the insights and lessons gained from experience in managing a similar forum for the Aviation Sector has proven invaluable, especially in organizing the STSAC for

success. Steve and Chris are regular participants in the STSAC meetings. The connections fostered have proven their worth repeatedly in the face of the unprecedented events during 2020.

Lastly, though far from least, we commend the demonstrated commitment to unified effort on shared priorities consistently exhibited throughout this demanding year by the government leads and industry representatives in the Transportation Sector Government and Sector Coordinating Councils. The extensive achievements that have mitigated risk of COVID-19 spread and assured sustained operations across the transportation modes could not have happened without the continuous collaboration in the interests of worker and public safety.

9) **Appendices:**

- Appendix A: Forwarding Memorandum and Recommendations of the STSAC to the TSA Administrator (February 2, 2021);
- Appendix B: COVID-19 Best Practices and Lessons Learned Workshop;
- Appendix C: Extract of Section 1969 of the *TSA Modernization Act of 2018*; and
- Appendix D: STSAC – Timeline of Activities.

Respectfully submitted,

Thomas L. Farmer
Chair – STSAC
Assistant Vice President – Security
Association of American Railroads
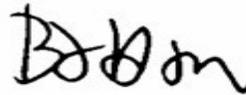
Polly L. Hanson
Vice Chair – STSAC
Director, Security, Risk and Emergency Mgt.
American Public Transportation Association

Appendix A: Forwarding Memorandum and Recommendations to the TSA Administrator

February 2, 2021

The Honorable David P. Pekoske
Administrator
Transportation Security Administration
6595 Springfield Center Drive
Springfield, VA 20598

Dear Administrator Pekoske,

The Surface Transportation Security Advisory Committee (STSAC), acting in accordance with its authorizing legislation – the *Transportation Security Administration (TSA) Modernization Act of 2018* – and its organizing charter and by-laws, held a voting session on Monday, January 25, and approved 18 recommendations to enhance security, critical infrastructure protection, emergency preparedness, and operational resiliency in the surface transportation modes.

Prior to this session, each of the four STSAC Subcommittees – Security Risk and Intelligence; Cybersecurity Information Sharing; Insider Threat; and Emergency Management and Resiliency – had developed and approved recommendations in their respective substantive areas. In this process, the co-chairs and designated federal officials for each Subcommittee integrated the perspectives and efforts of voting members, government officials from multiple federal agencies, and other subject matter experts. As a result, the recommendations truly reflect the public-private partnership, as conceived by the National Infrastructure Protection Plan (NIPP), in action.

Voting and non-voting members of the STSAC convened for the session on January 25 to consider the then proposed recommendations. The industry or government chair, or a designated representative, presented the recommendations of each Subcommittee for consideration on motion, with a required second. Once seconded, an open discussion opportunity followed – for which any meeting participant could raise objections or questions or offer constructive comments to enhance quality. No points of concern were raised on any of the recommendations. Individually, they were presented to the STSAC's voting members for a voice vote – "Aye" or "Nay." The Committee approved each recommendation unanimously.

All involved in this dedicated effort over the past 18 months, from industry and from government, merit commendation – for the level of commitment, professionalism, thoroughness, and creativity they steadfastly maintained in the face of seemingly unrelenting and, in some cases, unprecedented challenges: a global pandemic; peaceful demonstrations exploited to perpetrate violence in cities nationally; heightened threat of extremist violence; extensive cyber attack campaigns; the most intensive hurricane season in at least 15 years; massive wildfires and their effects; and the elevated security concerns with potential retaliation in physical or cyber attacks by Iran in the wake of the killing of its commander of international terrorism operations. Voting members of the STSAC and participating and supporting officials with TSA, the Department of Homeland Security (DHS), Department of Transportation (DOT), Federal Bureau of Investigation (FBI), and other agencies, maintain responsibilities directly affected by some or all of these threats, incidents, and security and public safety contingencies. In this context, the caliber of work reflected in the FY2021 recommendations brings great credit to the full membership of the STSAC and the staff and subject matter experts who collectively have made this milestone – the first official recommendations of the Committee to you – attainable.

As Chair and Vice Chair, we are privileged to lead and often speak and advocate for the uniquely diverse expertise and experience assembled in the STSAC as a whole. You have appointed a tremendously talented group – one that has coalesced as a highly effective team. We have been immeasurably aided in achieving this progress by the initiative, innovation, and professionalism of the industry and government co-chairs and designated federal officials for each of the Subcommittees – Ed Bruce, Jim Cook, John Beattie, and Darnell Young for Security Risk and Intelligence; Kimberly Denbow, Tim Weston, and Lee Allen for Cybersecurity Information Sharing; Joseph Deluca, Mike Licata, Matt Hudren, and Dean Walter for Insider Threat; and Jennifer Gibson, Chris McKay, and Robert Melan for Emergency Management and Resiliency. Finally, we are all pioneers in this process – all participants in and supporters of the Committee. No similar group or activity had been previously undertaken in surface transportation. The leadership, guidance, and insights provided by Victoria Newhouse, Stacey Fitzmaurice, Scott Gorton, Judith Harroun-Lord, and Henry Budhram from TSA and by Steve Alterman and Chris Bidwell, respectively the Chair and Vice Chair of the Aviation Security Advisory Committee (ASAC), have been invaluable. We look forward to continuing and expanding the productive partnerships that have resulted.

The inaugural 18 recommendations of the Surface Transportation Security Advisory Committee (STSAC) are presented for your consideration, feedback, and, hopefully, full approval. As a Committee, we deeply appreciate the confidence you have reposed in us – which you may rest assured will continue to be vindicated as we work in concert to bring the recommended actions to fruition and produce enduring enhancements to security, critical infrastructure protection, emergency preparedness, and operational resiliency in our nation's surface transportation networks.

Sincerely,

Thomas L. Farmer
Chair – STSAC
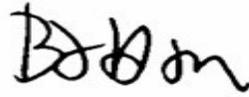
Polly L. Hanson
Vice Chair – STSAC

**Surface Transportation Security Advisory Committee (STSAC)
Approved Fiscal Year 2021 (FY2021) Recommendations
for the
Administrator of the Transportation Security Administration (TSA)**

February 2, 2021

Security Risk and Intelligence:

STSAC Security Risk and Intelligence FY2021 Recommendation #1: Establish a National Intelligence Manager for surface transportation through an official request by the TSA Administrator to his/her equivalent at the Office of the Director of National Intelligence (ODNI) for designation and sustainment of this position to ensure effective and sustained leadership and management and to support increased surface intelligence threat reporting and information sharing across the Intelligence Community with surface transportation stakeholders.

STSAC Security Risk and Intelligence FY2021 Recommendation #2: Use private sector intelligence requirements to guide federal intelligence collection and inform intelligence analyses and product development by Intelligence Community agencies and analytical centers, including the DHS Homeland Security Intelligence Priorities Framework (HSIPF), through consolidation of current requirements, updated annually, in a joint effort of the STSAC's Security Risk and Intelligence Subcommittee and TSA's Surface Information Sharing Cell that assures continuous awareness and understanding of surface transportation priorities and needs.

STSAC Security Risk and Intelligence FY2021 Recommendation #3: Approve and implement the Surface Information Sharing Cell (SISC) charter by attaining the TSA Administrator's written concurrence with the provisions and procedures for assuring clarity and consistency in governance, membership, roles, responsibilities, and protection of classified threat intelligence and security information and timely and effective two-way surface transportation threat intelligence/information sharing across government and the private sector.

STSAC Security Risk and Intelligence FY2021 Recommendation #4: Complete the Security Risk Methodology Matrix as a resource to support efforts to drive down risk across surface transportation modes by developing and maintaining, through recurring reviews and updates, the Security Risk Methodology Catalog to provide a detailed overview of widely used risk assessment and mitigation models and tools employed by surface transportation stakeholders and to inform and enhance efforts to identify, analyze, and measure risk and set security priorities for prevention and response capabilities.

Cybersecurity Information Sharing:

STSAC Cybersecurity Information Sharing FY2021 Recommendation #1: Establish a surface transportation cyber information sharing network on threats, incidents, and security concerns and related alerts, advisories, analyses, and assessments by having the Surface Information Sharing Cell (SISC) serve as the hub, with spokes assuring engagement with organizations in each surface transportation mode, for the exchange of reporting, analyses, advisories, and alerts on cyber threats, incidents, and security concerns – with necessary analytical support.

STSAC Cybersecurity Information Sharing FY2021 Recommendation #2: Manage the operations of the Surface Information Sharing Cell (SISC) under the express authorization provided by the Cybersecurity Information Sharing Act of 2015 by convening meetings with interagency partners, including the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (DHS/CISA) and the Department of Justice, to ensure the authorizations and protections accorded by the Cybersecurity Information Sharing Act of 2015 are applied in managing the operations of the SISC.

STSAC Cybersecurity Information Sharing FY2021 Recommendation #3: Establish effective procedures for broad sharing of cyber threat and security information across surface transportation modes, with industry governance, by leveraging proven means already in place through industry initiatives.

STSAC Cybersecurity Information Sharing FY2021 Recommendation #4: Conduct an annual review to assess the performance and impact of the Surface Information Sharing Cell (SISC) in its core functions of threat information distribution, analytics, relevance, and actionable intelligence – through a joint team comprised of government officials and industry representatives.

Insider Threat:

STSAC Insider Threat FY2021 Recommendation #1: Expand the newly established Insider Risk Mitigation Hub (IRMH) by integrating surface transportation industry representatives and leveraging the combined expertise of public and private security professionals to raise awareness and share effective practices on threat detection, risk assessment, intelligence priorities, and response techniques.

STSAC Insider Threat FY2021 Recommendation #2: Develop a Case Optimization and Risk Evaluation (CORE) tool by applying analyses of, and lessons learned from, case studies of insider incidents that have affected transportation organizations, and related research and development efforts, to identify and communicate key threat indicators, facilitate production of educational materials, guide training and awareness initiatives, and

inform implementation of sustainable risk mitigating measures.

STSAC Insider Threat FY2021 Recommendation #3: Implement a nationwide online tip capability that provides a timely and simple means to report suspicious activity and threats for transportation industries, entities, or individual operators lacking well-defined organizational structures and procedures for reporting significant security concerns.

STSAC Insider Threat FY2021 Recommendation #4: Define parameters for assessing the level of potential insider threat risk posed to organizations in the surface transportation modes – high, medium, or low – based on categories, functions, or level of access of employees, contractors, and vendors.

STSAC Insider Threat FY2021 Recommendation #5: Produce and disseminate recommendations on effective practices for workforce vetting programs for surface transportation organizations tailored to the high, medium, and low risk categories and guided by the matrices developed by STSAC's Insider Threat Subcommittee.

STSAC Insider Threat FY2021 Recommendation #6: Expand the scope of participation in TSA's existing Insider Threat Executive Steering Committee by including representatives of the STSAC and Aviation Security Advisory Committee (ASAC) to coordinate insider threat analysis and risk mitigation efforts for the aviation, surface, and maritime transportation industries.

STSAC Insider Threat FY2021 Recommendation #7: Establish a consistent coordination process to facilitate communication of sensitive information on reports or allegations of terrorist or extremist ties, or suspected illicit insider activity, on transportation workers by federal law enforcement, security, and intelligence agencies with the employing or contracting transportation organization.

STSAC Insider Threat FY2021 Recommendation #8: Maintain a consolidated insider threat information resource for transportation on the Homeland Security Information Network (HSIN) to facilitate access to and usage of assessments, advisories, and analyses up to the sensitive security information (SSI) level.

Emergency Management and Resiliency:

STSAC Emergency Management and Resiliency FY2021 Recommendation #1: Enhance pandemic preparedness by sharing lessons learned on response to COVID-19 across modes by working with government and industry partners to disseminate the Emergency Management and Resilience Subcommittee's report on pandemic response in surface transportation, produced from the COVID-19 Best Practices and Lessons Learned Workshop, to include posting on respective government websites and, where applicable, incorporating into security and emergency preparedness resources maintained by TSA and DOT.

STSAC Emergency Management and Resiliency FY2021 Recommendation #2: Support COVID continuing education to enhance response capabilities and resiliency by TSA and industry partners working jointly through the Subcommittee to maintain a process for the recurring review and update of the report on effective practices and lessons learned and supporting information, as warranted, based on input received or obtained on the continuing effects of the COVID-19 pandemic; disruptions caused by surges of confirmed cases nationally; and responses by surface transportation organizations – with particular emphasis on indications of improved performance based on application of lessons learned.

Appendix B: COVID-19 Best Practices and Lessons Learned Workshop

PURPOSE

The Transportation Security Administration's (TSA) Surface Operations, Policy, Plans, and Engagement, and the Surface Transportation Security Advisory Committee (STSAC) Emergency Management and Resilience Subcommittee (EM&R) collaborated to host a virtualCOVID-19 Best Practices and Lessons Learned Workshop. The purpose of this workshop was to convene a group of surface transportation security partners to share, discuss, and validate COVID-19 best practices and lessons learned related to transportation operators'pandemic planning, logistics, information sharing, and response.

STSAC AND EM&R SUBCOMMITTEE OVERVIEW

The STSAC was established in 2019 in accordance with the TSA Modernization Act of 2018 to advise the TSA Administrator on the development and implementation of surface transportation security policies, programs, and regulations. Together, the TSA Administrator and STSAC identified five initial priority issuesfor the STSAC: improving cybersecurity information sharing, insider threat, measuring security effectivenessin surface transportation, intelligence and information sharing, and information protection. To address these areas, the STSAC created the following four subcommittees:

• Cybersecurity • Insider Threat • Security and Intelligence • EM&R

The EM&R Subcommittee hosted its first meeting in May 2020 during which members decided to focus on the development of a COVID-19 Pandemic After Action / Lessons Learned Report. The purpose of this report is to assist STSAC members andthe surface transportation sector address the COVID-19 pandemic and prepare for future events. This workshop served tovalidate the group's initial observations and identify gaps. This workshop also supported the committee's ability to produce
a lessons learned and best practices document that can be shared with the surface transportation subsector to help supporttheir preparedness and resiliency efforts.

STAKEHOLDERS

Government: Cybersecurity and Infrastructure Security Agency, Department of Transportation, Federal Emergency Management Agency, Federal Transit Administration, and Transportation Security Administration
Transportation Operators: Amtrak, Bay Area Rapid Transit Police, BNSF Railway, Brightline, Canadian National Railway, Chicago TransitAuthority, Delaware River Port Authority Police Department, Devon Energy, Kansas City Southern Railway, King County Metro TransitDepartment, Los Angeles Metropolitan Transportation Authority, Metro Transit, Metro Transit Police Department, Metropolitan TransitAuthority of Harris County, Metropolitan Transportation Authority, New Jersey Transit Police, Santa Cruz Metropolitan Transit District,Sound Transit, Tri-County Metropolitan Transportation District of Oregon, Olin Corporation, Public Service Enterprise Group, and XcelEnergy
Transportation Associations: American Association of State Highway and Transportation Officials, American Public Transportation Association, Association of American Railroads, Interstate Natural Gas Association of America, National Association of Chemical Distributors, National Association of State Directors of Pupil Transportation Services, and The Chlorine Institute

WORKSHOP OUTCOMES

The following page provides all best practices, lessons learned, and options for improvement discussed during the COVID-19 BestPractices and Lessons Learned Workshop. Items marked with an asterisk are new additions and/or revisions based on workshopdiscussion. Some findings were revised for brevity and clarity. Please contact STSAC EM&R Industry Co-Chair Jennifer Gibson and TSACo-Chair Chris McKay for further details.

	BEST PRACTICES	LESSONS LEARNED	OPTIONS FOR IMPROVEMENT
PANDEMIC PLANNING	• Leverage pre-existing influenza/ pandemic plans • Maintain relationships and lines of communication with state/local EOCs • Apply CDC guidelines • Coordinate with Federal agencies and operators to establish essential workers' guidance Invite labor unions to participate in the pandemic planning and decision- making process*	• Existing plans were outdated and/or didnot fully address worldwide pandemics • The Federal government's initial pandemic response was slow andreactionary Operators infrequently reviewed communications procedures prior to thepandemic*	• Update pandemic plans from experience • Implement pandemic response best practices • Increase training on pandemic plans • Ensure stockpiles of PPE and other materialsfor essential operations* • Continue to use Federal guidelines to identifyessential workers • Coordinate with state/local health officials so plans align with current guidance* Develop/review pandemic communicationsplans*
PANDEMIC LOGISTICS	• Establish working groups with transportation partners to procure/ distribute supplies • Support rapid activation of state/local EOCs • Permit emergency authorities for critical goods/services contracts • Adopt and implement CDC recommendations quickly* Transition staff who do not need to beon-site to telework	• There was not enough PPE/disinfectant • Operators experienced difficulty with PPE supply chain integrity • Operators struggled to coordinate withthe Federal government to secure PPE • PPE did not meet OSHA standards • The pandemic disrupted the supply chainfor mission-critical materials* • Existing IT systems (e.g., VPNs and timekeeping) did not support telework* Newly remote employees were unfamiliar with telework procedures*	• Ensure emergency stockpiles of PPE anddisinfectant • Address surface operators' PPE needsearlier • Coordinate PPE distribution in a more timely adeffective manner • Adopt face coverings, gloves, and temperature screening earlier • Adopt increased and earlier COVID testing • Train staff on remote timekeeping systems* Assess and/or increase VPN bandwidth*
PANDEMIC INFO SHARING	• Communicate regularly with transportation partners across industry and government • Stay up-to-date on CDC information • Adopt temporary regulatory relief/ enforcement discretion for operators • Exchange best practices and lessons learned with partners in real time Provide transportation partners the opportunity to participate in Incident Command*	• Operators sometimes overwhelmed bythe frequency of communication • Operators received inconsistentmessaging from partners • CDC guidance on mask use wavered • Labor unions sporadically received/shared information • Inconsistent phased reopening guidancecaused disparities in jurisdictions* Operators struggled with privacy issues with local health officials in identifying new cases/contact tracing*	• Improve coordination among Federal partners to reduce calls and redundancy • Determine how to enforce social distancingand mask wearing earlier • Coordinate a consistent phased approach toreopening, especially with local partners* • Incorporate procedures for communicatingwith local health officials into pandemic plans* Consolidate Federal pandemic guidance onone website*

PANDEMIC RESPONSE

BEST PRACTICES	LESSONS LEARNED	OPTIONS FOR IMPROVEMENT
• Adjust operations to achieve social distancing early	• Operators did not have pre-existingpandemic PPE or telework policies	• Adopt standard telework policies
• Grant operators the flexibility to make necessary operational changes	• Operators did not have pandemic-specific training to this scale	• Provide more training/guidance on effectivetelework practices
• Continuously engage with the CDC	• Government(s) had inconsistent andchanging policies	• Ensure essential workers are trained in PPE use/fitting
• Apply for regulatory/enforcement relief early*	• Government(s) were slow to makedecisions, especially in the early pandemic stages	• Enact temperature screening early
• Encourage leadership to provide timely decision-making to address risks to essential staff*	Operators did not immediately ensure essential staff access to mental health resources*	• Prioritize PPE, testing, and vaccinations(when available) for essential workers
Use predictive modeling to forecast future pandemic impacts to industry*		Ensure telework capabilities and capacitycan handle influx and continuation of remote staff*

Appendix C: Legislation Mandating Establishment of the Surface Transportation Security Advisory Committee (STSAC)

Transportation Security Administration (TSA) Modernization Act of 2018

SEC. 1969. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

''SEC. 404. SURFACE TRANSPORTATION SECURITY ADVISORY COMMITTEE. ''(a) ESTABLISHMENT.—The Administrator of the Transportation Security Administration (referred to in this section as 'Administrator') shall establish within the Transportation Security Administration the Surface Transportation Security Advisory Committee (referred to in this section as the 'Advisory Committee').

''(b) DUTIES.—
    ''(1) IN GENERAL.—The Advisory Committee may advise, consult with, report to, and make recommendations to the Administrator on surface transportation security matters, including the development, refinement, and implementation of policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.
    ''(2) RISK-BASED SECURITY.—The Advisory Committee shall consider risk-based security approaches in the performance of its duties.
''(c) MEMBERSHIP.—

    ''(1) COMPOSITION.—The Advisory Committee shall be composed of—
        ''(A) voting members appointed by the Administrator under paragraph (2); and
        ''(B) nonvoting members, serving in an advisory capacity, who shall be designated by— ''(i) the Transportation Security Administration; ''(ii) the Department of Transportation; ''(iii) the Coast Guard; and ''(iv) such other Federal department or agency as the Administrator considers appropriate.

    ''(2) APPOINTMENT.—The Administrator shall appoint voting members from among stakeholders representing each mode of surface transportation, such as passenger rail, freight rail, mass transit, pipelines, highways, over-the-road bus, school bus industry, and trucking, including representatives from—

        ''(A) associations representing such modes of surface transportation;
        ''(B) labor organizations representing such modes of surface transportation;
        ''(C) groups representing the users of such modes of surface transportation, including asset manufacturers, as appropriate;
        ''(D) relevant law enforcement, first responders, and security experts; and
        ''(E) such other groups as the Administrator considers appropriate.
''(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its voting members.

''(4) TERM OF OFFICE.—
    ''(A) TERMS.—
        ''(i) IN GENERAL.—The term of each voting member of the Advisory Committee shall be 2 years, but a voting member may continue to serve until the Administrator appoints a successor.
        ''(ii) REAPPOINTMENT.—A voting member of the Advisory Committee may be reappointed.
    ''(B) REMOVAL.—
        ''(i) IN GENERAL.—The Administrator may review the participation of a member of the Advisory Committee and remove such member for cause at any time.
        ''(ii) ACCESS TO INFORMATION.—The Administrator may remove any member of the Advisory Committee that the Administrator determines should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.

"(5) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive any compensation from the Government by reason of their service on the Advisory Committee.

''(6) MEETINGS.—
    ''(A) IN GENERAL. —The Administrator shall require the Advisory Committee to meet at least semiannually in person or through web conferencing and may convene additional meetings as necessary.
    ''(B) PUBLIC MEETINGS.—At least 1 of the meetings of the Advisory Committee each year shall be— ''(i) announced in the Federal Register; ''(ii) announced on a public website; and ''(iii) open to the public.
    ''(C) ATTENDANCE.—The Advisory Committee shall maintain a record of the persons present at each meeting.
    ''(D) MINUTES.—
        ''(i) IN GENERAL.—Unless otherwise prohibited by other Federal law, minutes of the meetings shall be published on the public website under subsection (e)(5).
        ''(ii) PROTECTION OF CLASSIFIED AND SENSITIVE INFORMATION.— The Advisory Committee may redact or summarize, as necessary, minutes of the meetings to protect classified or other sensitive information in accordance with law.
''(7) VOTING MEMBER ACCESS TO CLASSIFIED AND SENSITIVE SECURITY INFORMATION.—
    ''(A) DETERMINATIONS.—Not later than 60 days after the date on which a voting member is appointed to the Advisory Committee and before that voting member may be granted any access to classified information or sensitive security information, the Administrator shall determine if the voting member should be restricted from reviewing, discussing, or possessing classified information or sensitive security information.
    ''(B) ACCESS.—

"(i) SENSITIVE SECURITY INFORMATION.—If a voting member is not restricted from reviewing, discussing, or possessing sensitive security information under subparagraph (A) and voluntarily signs a nondisclosure agreement, the voting member may be granted access to sensitive security information that is relevant to the voting member's service on the Advisory Committee.

"(ii) CLASSIFIED INFORMATION.—Access to classified materials shall be managed in accordance with Executive Order 13526 of December 29, 2009 (75 Fed. Reg. 707), or any subsequent corresponding Executive order.

"(C) PROTECTIONS.—

"(i) SENSITIVE SECURITY INFORMATION.—Voting members shall protect sensitive security information in accordance with part 1520 of title 49, Code of Federal Regulations.

"(ii) CLASSIFIED INFORMATION. —Voting members shall protect classified information in accordance with the applicable requirements for the particular level of classification.

"(8) JOINT COMMITTEE MEETINGS.—The Advisory Committee may meet with 1 or more of the following advisory committees to discuss multimodal security issues and other security-related issues of common concern:

"(A) Aviation Security Advisory Committee established under section 44946 of title 49, United States Code.

"(B) Maritime Security Advisory Committee established under section 70112 of title 46, United States Code.

"(C) Railroad Safety Advisory Committee established by the Federal Railroad Administration.

"(9) SUBJECT MATTER EXPERTS.—The Advisory Committee may request the assistance of subject matter experts with expertise related to the jurisdiction of the Advisory Committee.

"(d) REPORTS.—

"(1) PERIODIC REPORTS. —The Advisory Committee shall periodically submit reports to the Administrator on matters requested by the Administrator or by a majority of the members of the Advisory Committee.

"(2) ANNUAL REPORT.—

"(A) SUBMISSION.—The Advisory Committee shall submit to the Administrator and the appropriate congressional committees an annual report that provides information on the activities, findings, and recommendations of the Advisory Committee during the preceding year.

"(B) PUBLICATION.—Not later than 6 months after the date that the Administrator receives an annual report under subparagraph (A), the Administrator shall publish a public version of the report, in accordance with section 552a(b) of title 5, United States Code.

"(e) ADMINISTRATION RESPONSE.—

"(1) CONSIDERATION.—The Administrator shall consider the information, advice, and recommendations of the Advisory Committee in formulating policies, programs, initiatives, rulemakings, and security directives pertaining to surface transportation security.

''(2) FEEDBACK.—Not later than 90 days after the date that the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2), the Administrator shall submit to the Advisory Committee written feedback on the recommendation, including—

''(A) if the Administrator agrees with the recommendation, a plan describing the actions that the Administrator has taken, will take, or recommends that the head of another Federal department or agency take to implement the recommendation; or

''(B) if the Administrator disagrees with the recommendation, a justification for that determination.

''(3) NOTICES.—Not later than 30 days after the date the Administrator submits feedback under paragraph (2), the Administrator shall—

''(A) notify the appropriate congressional committees of the feedback, including the determination under subparagraph (A) or subparagraph (B) of that paragraph, as applicable; and

''(B) provide the appropriate congressional committees with a briefing upon request.

''(4) UPDATES.—Not later than 90 days after the date the Administrator receives a recommendation from the Advisory Committee under subsection (d)(2) that the Administrator agrees with, and quarterly thereafter until the recommendation is fully implemented, the Administrator shall submit a report to the appropriate congressional committees or post on the public website under paragraph (5) an update on the status of the recommendation.

''(5) WEBSITE.—The Administrator shall maintain a public website that—

''(A) lists the members of the Advisory Committee; and

''(B) provides the contact information for the Advisory Committee.

''(f) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee or any subcommittee established under this section.''.

(b) ADVISORY COMMITTEE MEMBERS.—

(1) VOTING MEMBERS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall appoint the voting members of the Surface Transportation Security Advisory Committee established under section 404 of the Homeland Security Act of 2002, as added by subsection (a) of this section.

(2) NONVOTING MEMBERS.—Not later than 90 days after the date of enactment of this Act, each Federal Government department and agency with regulatory authority over a mode of surface or maritime transportation, as the Administrator considers appropriate, shall designate an appropriate representative to serve as a nonvoting member of the Surface Transportation Security Advisory Committee.

(c) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 403 the following:

''Sec. 404. Surface Transportation Security Advisory Committee.''.

Appendix D: Surface Transportation Security Advisory Committee (STSAC) Timeline

- **October 5, 2018**: Passage of H.R. 302, FAA Reauthorization Act of 2018, which included the TSA Modernization Act, Section 1969 of the bill authorized TSA to establish the Surface Transportation Security Advisory Committee (STSAC).

- **November 30, 2018**: Letters were issued to Federal Government departments and agencies with regulatory authority over a mode of surface or maritime transportation requesting their designation of an appropriate representative to serve as a nonvoting member.

- **December 22, 2018 – January 25, 2019**: 35-day partial government shutdown.

- **February 12, 2019**: Federal Register Notice was published requesting applicants to serve as voting members was seeking no more than 40 voting members from among stakeholders representing each mode of surface transportation, such as passenger rail, freight rail, mass transit, pipelines, highways, over-the-road bus, school bus industry, and trucking. Applications for membership were requested to be submitted to TSA within 30 days of the published notice (March 14, 2020).

- **March 14, 2019**: TSA received applications from 8 distinctive membership categories.

- **March 15, 2019**: STSAC Evaluation Panel was convened to review application packages. The panelists reviewed each of the application packages and rated each candidate against four qualification categories.

- **March 20, 2019**: STSAC Evaluation Panel met for the final deliberation of applicant scores – 35 applicants based on final ratings were deemed to be qualified to serve on the Committee and were recommended to the Administrator for appointment.

- **April 5, 2019**: Administrator Pekoske appointed 35 voting members to serve a two-year term. The appointments were announced as part of press release highlighting the establishment of the Surface Transportation Advisory Committee (STSAC).

- **July 1, 2019**: TSA Administrator Pekoske appointed two additional voting members to serve on the STSAC – The Honorable Dave McCurdy, Senior Pipeline Expert, and Mr. Anthony Mercogliano, New York Metropolitan Transportation Authority (MTA) were welcomed into the Committee by Administrator Pekoske.

- **July 11, 2019**: TSA hosts inaugural Surface Transportation Security Advisory Committee (STSAC) meeting. This meeting was open to the public and press release was issued to highlight the first meeting since the establishment of the Committee.

- **July 12 – July 19, 2019**: STSAC members provided TSA will their nominations for Chair and Vice Chair of the Committee.

- **July 29, 2019**: STSAC members voted and made their selection for the Chair of the STSAC. Mr. Thomas Farmer of the AAR was selected as the Chair.

- **August 5, 2019**: STSAC members voted and made their selection for the Vice Chair of the STSAC. Ms. Polly Hanson of APTA was selected as the Vice Chair.

- **August 22, 2019**: Acting Deputy Administrator Cogswell signs the STSAC Charter.

- **August 30, 2019**: Acting Deputy Administrator Cogswell announced the selection of Thomas Farmer, Assistant Vice President for Security for the Association of American Railroads (AAR) as the Committee's Chair and Polly Hanson, Director of Security, Risk and Emergency Management of the American Public Transportation Association (APTA) as the Committee's Vice Chair.

- **October 24, 2019**: STSAC held its second Committee meeting which was closed to the public. This meeting served as an opportunity to obtain background information leading up to focus areas and priorities for the Committee advise and make recommendations to the Administrator.

- **January 30, 2020**: STSAC held its third Committee meeting which was closed to the public.

- **April 8, 2020**: The TSA Administrator sends a "tasking" letter to the Committee outlining his focus areas and priorities for the Committee.

- **April 30, 2020**: STSAC held its fourth Committee meeting which was closed to the public.

- **July 30, 2020**: STSAC held its fifth Committee meeting which was closed to the public.

- **July 30, 2020**: 90-day/first report to the Administrator requirement. The verbal subcommittee briefings at the July 30 meeting met this 90-day report requirement – for a status update describing the work accomplished through each of the subcommittees for the taskings identified in the Administrator's tasking letter.

- **September 10, 2020**: 120-day/second report to the Administrator requirement. The written reports submitted reflect the thoroughness, impacts, and aims of the productive efforts of the government and industry co-chairs and all members of each subcommittee – the priorities defined, outcomes already attained or near completion, and objectives set for the continuing work going forward. The reports highlight the dual focus of the subcommittees – on driving near-term advances and establishing longer-term strategies.

- **October 15, 2020**: Federal Register Notice was published announcing the November 5 STSAC public meeting.

- **November 5, 2020**: The STSAC held its sixth meeting which was open to the public. This meeting served as an opportunity for the subcommittees to provide a summary of their progress and recommendations for near-term action.

- **January 25, 2021**: Voting session of the STSAC voting and non-voting members for the purpose of reviewing, discussing, and voting to approve or disapprove the inaugural recommendations to the TSA Administrator to enhance security, critical infrastructure protection, emergency preparedness, and operational resiliency in the surface transportation modes. Each of the four subcommittees offered its recommendations for review, discussion, and consideration. A total of 18 recommendations were made – as follows: Security Risk and Intelligence (4); Cybersecurity Information Sharing (4); Insider Threat (8); and Emergency Management and Resiliency (2). In the voting, the STSAC's voting members unanimously approved all 18 recommendations.

- **February 2, 2021**: The STSAC submitted the 18 unanimously approved recommendations to the Administrator of the Transportation Security Administration (TSA).