

Calendar No. 402110TH CONGRESS
1ST SESSION**S. 1446****[Report No. 110-188]**

To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2007

Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 3, 2007

Reported by Mr. LIEBERMAN, without amendment

A BILL

To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “National Capital Transportation Amendments Act of
4 2007”.

5 (b) FINDINGS.—Congress finds as follows:

6 (1) Metro, the public transit system of the
7 Washington metropolitan area, is essential for the
8 continued and effective performance of the functions
9 of the Federal Government, and for the orderly
10 movement of people during major events and times
11 of regional or national emergency.

12 (2) On 3 occasions, Congress has authorized
13 appropriations for the construction and capital im-
14 provement needs of the Metrorail system.

15 (3) Additional funding is required to protect
16 these previous Federal investments and ensure the
17 continued functionality and viability of the original
18 103-mile Metrorail system.

19 **SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS**
20 **FOR WASHINGTON METROPOLITAN AREA**
21 **TRANSIT SYSTEM.**

22 The National Capital Transportation Act of 1969
23 (sec. 9–1111.01 et seq., D.C. Official Code) is amended
24 by adding at the end the following new section:

1 “AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBU-
2 TION FOR CAPITAL AND PREVENTIVE MAINTENANCE
3 PROJECTS

4 “SEC. 18. (a) AUTHORIZATION.—Subject to the suc-
5 ceeding provisions of this section, the Secretary of Trans-
6 portation is authorized to make grants to the Transit Au-
7 thority, in addition to the contributions authorized under
8 sections 3, 14, and 17, for the purpose of financing in
9 part the capital and preventive maintenance projects in-
10 cluded in the Capital Improvement Program approved by
11 the Board of Directors of the Transit Authority.

12 “(b) USE OF FUNDS.—The Federal grants made pur-
13 suant to the authorization under this section shall be sub-
14 ject to the following limitations and conditions:

15 “(1) The work for which such Federal grants
16 are authorized shall be subject to the provisions of
17 the Compact (consistent with the amendments to the
18 Compact described in subsection (d)).

19 “(2) Each such Federal grant shall be for 50
20 percent of the net project cost of the project in-
21 volved, and shall be provided in cash from sources
22 other than Federal funds or revenues from the oper-
23 ation of public mass transportation systems. Con-
24 sistent with the terms of the amendment to the
25 Compact described in subsection (d)(1), any funds

1 so provided shall be solely from undistributed cash
2 surpluses, replacement or depreciation funds or re-
3 serves available in cash, or new capital.

4 “(c) APPLICABILITY OF REQUIREMENTS FOR MASS
5 TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS
6 UNDER FEDERAL TRANSPORTATION LAW.—Except as
7 specifically provided in this section, the use of any
8 amounts appropriated pursuant to the authorization under
9 this section shall be subject to the requirements applicable
10 to capital projects for which funds are provided under
11 chapter 53 of title 49, United States Code, except to the
12 extent that the Secretary of Transportation determines
13 that the requirements are inconsistent with the purposes
14 of this section.

15 “(d) AMENDMENTS TO COMPACT.—No amounts may
16 be provided to the Transit Authority pursuant to the au-
17 thorization under this section until the Transit Authority
18 notifies the Secretary of Transportation that each of the
19 following amendments to the Compact (and any further
20 amendments which may be required to implement such
21 amendments) have taken effect:

22 “(1)(A) An amendment requiring that all pay-
23 ments by the local signatory governments for the
24 Transit Authority for the purpose of matching any
25 Federal funds appropriated in any given year au-

1 thorized under subsection (a) for the cost of oper-
2 ating and maintaining the adopted regional system
3 are made from amounts derived from dedicated
4 funding sources.

5 “(B) For purposes of this paragraph, the term
6 ‘dedicated funding source’ means any source of
7 funding which is earmarked or required under State
8 or local law to be used to match Federal appropria-
9 tions authorized under this Act for payments to the
10 Transit Authority.

11 “(2) An amendment establishing the Office of
12 the Inspector General of the Transit Authority in
13 accordance with section 3 of the National Capital
14 Transportation Amendments Act of 2007.

15 “(3) An amendment expanding the Board of
16 Directors of the Transit Authority to include 4 addi-
17 tional Directors appointed by the Administrator of
18 General Services, of whom 2 shall be nonvoting and
19 2 shall be voting, and requiring one of the voting
20 members so appointed to be a regular passenger and
21 customer of the bus or rail service of the Transit
22 Authority.

23 “(e) AMOUNT.—There are authorized to be appro-
24 priated to the Secretary of Transportation for grants
25 under this section an aggregate amount not to exceed

1 \$1,500,000,000 to be available in increments over 10 fis-
 2 cal years beginning in fiscal year 2009, or until expended.

3 “(f) AVAILABILITY.—Amounts appropriated pursu-
 4 ant to the authorization under this section—

5 “(1) shall remain available until expended; and

6 “(2) shall be in addition to, and not in lieu of,
 7 amounts available to the Transit Authority under
 8 chapter 53 of title 49, United States Code, or any
 9 other provision of law.”.

10 **SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AU-**
 11 **THORITY INSPECTOR GENERAL.**

12 (a) ESTABLISHMENT OF OFFICE.—

13 (1) IN GENERAL.—The Washington Metropoli-
 14 tan Area Transit Authority (hereafter referred to as
 15 the “Transit Authority”) shall establish in the Tran-
 16 sit Authority the Office of the Inspector General
 17 (hereafter in this section referred to as the “Of-
 18 fice”), headed by the Inspector General of the Tran-
 19 sit Authority (hereafter in this section referred to as
 20 the “Inspector General”).

21 (2) DEFINITION.—In paragraph (1), the
 22 “Washington Metropolitan Area Transit Authority”
 23 means the Authority established under Article III of
 24 the Washington Metropolitan Area Transit Author-
 25 ity Compact (Public Law 89–774).

1 (b) INSPECTOR GENERAL.—

2 (1) APPOINTMENT.—The Inspector General
3 shall be appointed by the vote of a majority of the
4 Board of Directors of the Transit Authority, and
5 shall be appointed without regard to political affili-
6 ation and solely on the basis of integrity and dem-
7 onstrated ability in accounting, auditing, financial
8 analysis, law, management analysis, public adminis-
9 tration, or investigations, as well as familiarity or
10 experience with the operation of transit systems.

11 (2) TERM OF SERVICE.—The Inspector General
12 shall serve for a term of 5 years, and an individual
13 serving as Inspector General may be reappointed for
14 not more than 2 additional terms.

15 (3) REMOVAL.—The Inspector General may be
16 removed from office prior to the expiration of his
17 term only by the unanimous vote of all of the mem-
18 bers of the Board of Directors of the Transit Au-
19 thority, and the Board shall communicate the rea-
20 sons for any such removal to the Governor of Mary-
21 land, the Governor of Virginia, the Mayor of the
22 District of Columbia, the chair of the Committee on
23 Government Reform of the House of Representa-
24 tives, and the chair of the Committee on Homeland
25 Security and Governmental Affairs of the Senate.

1 (c) DUTIES.—

2 (1) APPLICABILITY OF DUTIES OF INSPECTOR
3 GENERAL OF EXECUTIVE BRANCH ESTABLISH-
4 MENT.—The Inspector General shall carry out the
5 same duties and responsibilities with respect to the
6 Transit Authority as an Inspector General of an es-
7 tablishment carries out with respect to an establish-
8 ment under section 4 of the Inspector General Act
9 of 1978 (5 U.S.C. App. 4), under the same terms
10 and conditions which apply under such section.

11 (2) CONDUCTING ANNUAL AUDIT OF FINANCIAL
12 STATEMENTS.—The Inspector General shall be re-
13 sponsible for conducting the annual audit of the fi-
14 nancial accounts of the Transit Authority, either di-
15 rectly or by contract with an independent external
16 auditor selected by the Inspector General.

17 (3) REPORTS.—

18 (A) SEMIANNUAL REPORTS TO TRANSIT
19 AUTHORITY.—The Inspector General shall pre-
20 pare and submit semiannual reports summa-
21 rizing the activities of the Office in the same
22 manner, and in accordance with the same dead-
23 lines, terms, and conditions, as an Inspector
24 General of an establishment under section 5 of
25 the Inspector General Act of 1978 (5 U.S.C.

1 App. 5). For purposes of applying section 5 of
 2 such Act to the Inspector General, the Board of
 3 Directors of the Transit Authority shall be con-
 4 sidered the head of the establishment, except
 5 that the Inspector General shall transmit to the
 6 General Manager of the Transit Authority a
 7 copy of any report submitted to the Board pur-
 8 suant to this paragraph.

9 (B) ANNUAL REPORTS TO LOCAL SIGNA-
 10 TORY GOVERNMENTS AND CONGRESS.—Not
 11 later than January 15 of each year, the Inspec-
 12 tor General shall prepare and submit a report
 13 summarizing the activities of the Office during
 14 the previous year, and shall submit such reports
 15 to the Governor of Maryland, the Governor of
 16 Virginia, the Mayor of the District of Columbia,
 17 the chair of the Committee on Government Re-
 18 form of the House of Representatives, and the
 19 chair of the Committee on Homeland Security
 20 and Governmental Affairs of the Senate.

21 (4) INVESTIGATIONS OF COMPLAINTS OF EM-
 22 PLOYEES AND MEMBERS.—

23 (A) AUTHORITY.—The Inspector General
 24 may receive and investigate complaints or infor-
 25 mation from an employee or member of the

1 Transit Authority concerning the possible exist-
2 ence of an activity constituting a violation of
3 law, rules, or regulations, or mismanagement,
4 gross waste of funds, abuse of authority, or a
5 substantial and specific danger to the public
6 health and safety.

7 (B) NONDISCLOSURE.—The Inspector
8 General shall not, after receipt of a complaint
9 or information from an employee or member,
10 disclose the identity of the employee or member
11 without the consent of the employee or member,
12 unless the Inspector General determines such
13 disclosure is unavoidable during the course of
14 the investigation.

15 (C) PROHIBITING RETALIATION.—An em-
16 ployee or member of the Transit Authority who
17 has authority to take, direct others to take, rec-
18 ommend, or approve any personnel action, shall
19 not, with respect to such authority, take or
20 threaten to take any action against any em-
21 ployee or member as a reprisal for making a
22 complaint or disclosing information to the In-
23 spector General, unless the complaint was made
24 or the information disclosed with the knowledge

1 that it was false or with willful disregard for its
2 truth or falsity.

3 (5) INDEPENDENCE IN CARRYING OUT DU-
4 TIES.—Neither the Board of Directors of the Tran-
5 sit Authority, the General Manager of the Transit
6 Authority, nor any other member or employee of the
7 Transit Authority may prevent or prohibit the In-
8 spector General from carrying out any of the duties
9 or responsibilities assigned to the Inspector General
10 under this section.

11 (d) POWERS.—

12 (1) IN GENERAL.—The Inspector General may
13 exercise the same authorities with respect to the
14 Transit Authority as an Inspector General of an es-
15 tablishment may exercise with respect to an estab-
16 lishment under section 6(a) of the Inspector General
17 Act of 1978 (5 U.S.C. App. 6(a)), other than para-
18 graphs (7), (8), and (9) of such section.

19 (2) STAFF.—

20 (A) ASSISTANT INSPECTOR GENERALS AND
21 OTHER STAFF.—The Inspector General shall
22 appoint and fix the pay of—

23 (i) an Assistant Inspector General for
24 Audits, who shall be responsible for coordi-

1 nating the activities of the Inspector Gen-
2 eral relating to audits;

3 (ii) an Assistant Inspector General for
4 Investigations, who shall be responsible for
5 coordinating the activities of the Inspector
6 General relating to investigations; and

7 (iii) such other personnel as the In-
8 spector General considers appropriate.

9 (B) INDEPENDENCE IN APPOINTING
10 STAFF.—No individual may carry out any of
11 the duties or responsibilities of the Office unless
12 the individual is appointed by the Inspector
13 General, or provides services procured by the
14 Inspector General, pursuant to this paragraph.
15 Nothing in this subparagraph may be construed
16 to prohibit the Inspector General from entering
17 into a contract or other arrangement for the
18 provision of services under this section.

19 (C) APPLICABILITY OF TRANSIT SYSTEM
20 PERSONNEL RULES.—None of the regulations
21 governing the appointment and pay of employ-
22 ees of the Transit System shall apply with re-
23 spect to the appointment and compensation of
24 the personnel of the Office, except to the extent
25 agreed to by the Inspector General. Nothing in

1 the previous sentence may be construed to af-
2 fect subparagraphs (A) through (B).

3 (3) **EQUIPMENT AND SUPPLIES.**—The General
4 Manager of the Transit Authority shall provide the
5 Office with appropriate and adequate office space,
6 together with such equipment, supplies, and commu-
7 nications facilities and services as may be necessary
8 for the operation of the Office, and shall provide
9 necessary maintenance services for such office space
10 and the equipment and facilities located therein.

11 (e) **TRANSFER OF FUNCTIONS.**—To the extent that
12 any office or entity in the Transit Authority prior to the
13 appointment of the first Inspector General under this sec-
14 tion carried out any of the duties and responsibilities as-
15 signed to the Inspector General under this section, the
16 functions of such office or entity shall be transferred to
17 the Office upon the appointment of the first Inspector
18 General under this section.

19 **SEC. 4. STUDY AND REPORT BY COMPTROLLER GENERAL.**

20 (a) **STUDY.**—The Comptroller General shall conduct
21 a study on the use of the funds provided under section
22 18 of the National Capital Transportation Act of 1969
23 (as added by this Act).

24 (b) **REPORT.**—Not later than 3 years after the date
25 of the enactment of this Act, the Comptroller General shall

1 submit a report to the Committee on Government Reform
2 of the House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the Sen-
4 ate on the study conducted under subsection (a).

Calendar No. 402

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