

**Calendar No. 402**

110TH 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.

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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

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**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).



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[Report No. 110-188]

**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.

OCTOBER 3, 2007

Reported without amendment