

116TH CONGRESS
1ST SESSION

S. 1663

To reauthorize funding to the Washington Metropolitan Area Transit Authority contingent on improvements to the governance and operations of the Transit Authority.

IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, MAY 22), 2019

Mr. WARNER (for himself, Mr. CARDIN, Mr. Kaine, and Mr. Van Hollen) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To reauthorize funding to the Washington Metropolitan Area Transit Authority contingent on improvements to the governance and operations of the Transit Authority.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Metro Safety, Accountability, and Investment Act of
6 2019”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Reauthorization of capital and preventive maintenance grants to Washington Metropolitan Area Transit Authority.

Sec. 4. Additional funds for Washington Metropolitan Area Transit Authority.

Sec. 5. Reforms to Office of Inspector General.

Sec. 6. Jeanice McMillan Washington Metropolitan Area Transit Authority Track Safety Task Force.

Sec. 7. Keith Dodson Washington Metropolitan Area Transit Authority Bus Safety Task Force.

Sec. 8. Capital program and planning.

Sec. 9. Cybersecurity protections in future rolling stock procurements.

Sec. 10. Sense of Congress.

Sec. 11. Additional reporting.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “Board” means the Board of Di-
4 rectors of the Transit Authority;

5 (2) the term “Compact” means the Washington
6 Metropolitan Area Transit Authority Compact con-
7 sented to by Congress under Public Law 89–774 (80
8 Stat. 1324);

9 (3) the term “covered recipient” means—

10 (A)(i) the Committee on Banking, Hous-
11 ing, and Urban Affairs of the Senate;

12 (ii) the Committee on Homeland Security
13 and Governmental Affairs of the Senate;

14 (iii) the Committee on Transportation and
15 Infrastructure of the House of Representatives;
16 and

17 (iv) the Committee on Oversight and Re-
18 form of the House of Representatives;

19 (B)(i) the Governor of Maryland;

1 (ii) the President of the Maryland Senate;

2 and

3 (iii) the Speaker of the Maryland House of

4 Delegates;

5 (C)(i) the Governor of Virginia;

6 (ii) the President of the Virginia Senate;

7 and

8 (iii) the Speaker of the Virginia House of

9 Delegates;

10 (D)(i) the Mayor of the District of Colum-

11 bia; and

12 (ii) the Chairman of the Council of the

13 District of Columbia; and

14 (E) the Chairman of the Northern Virginia

15 Transportation Commission;

16 (4) the terms “Inspector General” and “Office

17 of Inspector General” mean the Inspector General

18 and the Office of Inspector General, respectively, of

19 the Transit Authority;

20 (5) the term “Secretary” means the Secretary

21 of Transportation; and

22 (6) the term “Transit Authority” means the

23 Washington Metropolitan Area Transit Authority es-

24 tablished under Article III of the Compact.

1 **SEC. 3. REAUTHORIZATION OF CAPITAL AND PREVENTIVE**
 2 **MAINTENANCE GRANTS TO WASHINGTON**
 3 **METROPOLITAN AREA TRANSIT AUTHORITY.**

4 Section 601(f) of the Passenger Rail Investment and
 5 Improvement Act of 2008 (division B of Public Law 110–
 6 432; 122 Stat. 4968) is amended—

7 (1) by striking “under this section an aggregate
 8 amount” and inserting the following: “under this
 9 section—

10 “(2) an aggregate amount”; and

11 (2) by striking the period at the end and insert-
 12 ing the following: “; and

13 “(2) \$150,000,000 for each of fiscal years 2020
 14 through 2029.”.

15 **SEC. 4. ADDITIONAL FUNDS FOR WASHINGTON METRO-**
 16 **POLITAN AREA TRANSIT AUTHORITY.**

17 Title VI of the Passenger Rail Investment and Im-
 18 provement Act of 2008 (division B of Public Law 110–
 19 432; 122 Stat. 4968) is amended by adding at the end
 20 the following:

21 **“SEC. 602. ADDITIONAL FUNDING FOR CAPITAL AND PRE-**
 22 **VENTIVE MAINTENANCE PROJECTS AND FOR**
 23 **INSPECTOR GENERAL.**

24 “(a) DEFINITIONS.—In this section—

25 “(1) the term ‘Secretary’ means the Secretary
 26 of Transportation; and

1 “(2) the term ‘Transit Authority’ has the mean-
2 ing given the term in section 601(a).

3 “(b) AUTHORIZATION.—In addition to the amounts
4 authorized to be appropriated under section 601, there are
5 authorized to be appropriated to the Secretary of Trans-
6 portation \$50,000,000 for each of fiscal years 2020
7 through 2029 for use under subsections (c) and (d) of this
8 section.

9 “(c) FUNDING FOR CAPITAL AND PREVENTIVE
10 MAINTENANCE PROJECTS.—

11 “(1) IN GENERAL.—Subject to subsection (e),
12 of the amounts authorized to be appropriated for a
13 fiscal year under subsection (b), the Secretary of
14 Transportation may use \$45,000,000 for grants to
15 the Transit Authority for the purpose of financing
16 the capital and preventive maintenance projects in-
17 cluded in the Capital Improvement Program ap-
18 proved by the Board of Directors of the Transit Au-
19 thority.

20 “(2) APPLICABILITY OF OTHER PROVISIONS.—

21 “(A) LIMITATIONS AND CONDITIONS.—
22 Paragraphs (1) and (3) of section 601(b) shall
23 apply to a grant made under this subsection.

24 “(B) REQUIREMENTS FOR MASS TRANS-
25 PORTATION CAPITAL PROJECTS RECEIVING

1 FUNDS UNDER FEDERAL TRANSPORTATION
2 LAW.—Section 601(c) shall apply to the use of
3 any amounts provided to the Transit Authority
4 under this subsection.

5 “(d) FUNDING FOR OFFICE OF INSPECTOR GENERAL
6 OF THE WASHINGTON METROPOLITAN AREA TRANSIT
7 AUTHORITY.—Subject to subsection (e), of the amounts
8 authorized to be appropriated for a fiscal year under sub-
9 section (b), the Secretary of Transportation shall use
10 \$5,000,000 for grants to the Transit Authority for use
11 exclusively by the Office of Inspector General of the Tran-
12 sit Authority for the operations of the Office in accordance
13 with Section 9 of Article III of the Compact, to remain
14 available until expended.

15 “(e) MATCHING INSPECTOR GENERAL FUNDS RE-
16 QUIRED FROM TRANSIT AUTHORITY.—The Secretary may
17 not provide any amounts to the Transit Authority for a
18 fiscal year under subsection (c) or (d) until the Transit
19 Authority notifies the Secretary that the Transit Author-
20 ity has made available \$5,000,000 in non-Federal funds
21 for that fiscal year for use exclusively by the Office of In-
22 spector General of the Transit Authority for the oper-
23 ations of the Office in accordance with Section 9 of Article
24 III of the Compact.”.

1 **SEC. 5. REFORMS TO OFFICE OF INSPECTOR GENERAL.**

2 The Secretary may not provide any amounts to the
3 Transit Authority under section 602(c) of the Passenger
4 Rail Investment and Improvement Act of 2008 (division
5 B of Public Law 110–432; 122 Stat. 4968), as added by
6 section 4, until the Secretary certifies that the Board has
7 passed a resolution that—

8 (1) reaffirms the status of the Office of Inspec-
9 tor General as an independent and objective unit of
10 the Transit Authority, as established under Section
11 9 of Article III of the Compact;

12 (2) provides that, for each fiscal year, the Of-
13 fice of Inspector General—

14 (A) shall transmit a budget estimate and
15 request to the Board specifying the aggregate
16 amount of funds requested for the fiscal year
17 for the operations of the Office; and

18 (B) may include a request under subpara-
19 graph (A) for a program or project that is an-
20 ticipated to generate obligations or liabilities be-
21 yond that fiscal year;

22 (3) delegates to the Inspector General, to the
23 extent possible under the Compact and in accord-
24 ance with each applicable Federal law or regulation,
25 contracting officer authority, subject to the require-

1 ment that the Inspector General exercise that au-
2 thority—

3 (A) in accordance with Section 73 of Arti-
4 cle XVI of the Compact, after working with the
5 Transit Authority to develop procurement pro-
6 cedures to facilitate compliance with that sec-
7 tion; and

8 (B) only as is necessary to carry out the
9 duties of the Office of Inspector General;

10 (4) delegates to the Inspector General, to the
11 extent possible under the Compact—

12 (A) the authority to select, appoint, and
13 employ such officers and employees as may be
14 necessary for carrying out the duties of the Of-
15 fice of Inspector General;

16 (B) approving authority for policies that
17 impact the independence of the Office of In-
18 specter General; and

19 (C) the authority to adopt recruiting, hir-
20 ing, and personnel management policies for the
21 Office of Inspector General as appropriate in
22 exercising the authority delegated under sub-
23 paragraph (A);

1 (5) ensures the Inspector General shall obtain
2 legal advice from a counsel reporting directly to the
3 Inspector General; and

4 (6) requires the Inspector General to—

5 (A) post any report containing a rec-
6 ommendation for corrective action to the
7 website of the Office of Inspector General not
8 later than 3 days after the recommendation is
9 submitted in final form to the General Manager
10 of the Transit Authority, except that—

11 (i) the Inspector General shall, if re-
12 quired by law or otherwise appropriate, re-
13 dact personally identifiable information
14 and information that, in the determination
15 of the Inspector General, would pose a se-
16 curity risk to the systems of the Transit
17 Authority; and

18 (ii) with respect to any investigative
19 findings in a case involving administrative
20 misconduct, whether included in a rec-
21 ommendation or otherwise, the Inspector
22 General shall publish only a summary of
23 the findings, which summary shall be re-
24 dacted in accordance with the procedures
25 set forth in clause (i);

1 (B) submit a semiannual report containing
2 recommendations of corrective action to the
3 Board, which the Board shall transmit not later
4 than 30 days after receipt of the report, to-
5 gether with any comments the Board deter-
6 mines appropriate, to—

7 (i) each covered recipient described in
8 section 2(3)(A);

9 (ii) the Committee on Appropriations
10 of the Senate;

11 (iii) the Committee on Appropriations
12 of the House of Representatives; and

13 (iv) any other recipients that the
14 Board determines appropriate; and

15 (C) not later than 2 years after the date
16 of enactment of this Act and 5 years after the
17 date of enactment of this Act, submit to each
18 covered recipient a report that—

19 (i) describes the implementation by
20 the Transit Authority of the reforms re-
21 quired under, and the use by the Transit
22 Authority of the funding authorized
23 under—

24 (I) chapter 34 of title 33.2 of the
25 Code of Virginia;

1 (II) section 10–205 of the Trans-
2 portation Article of the Code of Mary-
3 land; and

4 (III) section 6002 of the Dedi-
5 cated WMATA Funding and Tax
6 Changes Affecting Real Property and
7 Sales Amendment Act of 2018 (1–
8 325.401, D.C. Official Code); and

9 (ii) contains—

10 (I) an assessment of the effective
11 use of the funding described in clause
12 (i) to address major capital improve-
13 ment projects;

14 (II) a discussion of compliance
15 with strategic plan deadlines;

16 (III) an examination of compli-
17 ance with the reform requirements
18 under the laws described in clause (i),
19 including identifying any challenges to
20 compliance or implementation; and

21 (IV) recommendations to the
22 Transit Authority to improve imple-
23 mentation.

1 **SEC. 6. JEANICE MCMILLAN WASHINGTON METROPOLITAN**
2 **AREA TRANSIT AUTHORITY TRACK SAFETY**
3 **TASK FORCE.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “on-track safety program” means
6 the on-track safety program of the Transit Author-
7 ity; and

8 (2) the term “Task Force” means the Jeanice
9 McMillan Washington Metropolitan Area Transit
10 Authority Track Safety Task Force required to be
11 established under subsection (b).

12 (b) FUNDING CONTINGENT ON ESTABLISHMENT OF
13 TRACK SAFETY TASK FORCE.—The Secretary may not
14 provide any amounts to the Transit Authority under sec-
15 tion 602(c) of the Passenger Rail Investment and Im-
16 provement Act of 2008 (division B of Public Law 110–
17 432; 122 Stat. 4968), as added by section 4, until the
18 Transit Authority notifies the Secretary that the Transit
19 Authority has taken action to establish and maintain a
20 safety task force for the development of on-track safety
21 standards for the Transit Authority, to be known as the
22 “Jeanice McMillan Washington Metropolitan Area Transit
23 Authority Track Safety Task Force”, in accordance with
24 this section.

1 (c) DUTIES.—The Task force shall be responsible for
2 reviewing the on-track safety program of the Transit Au-
3 thority, including—

4 (1) training and qualifications of employees of
5 the Transit Authority affected by the program;

6 (2) appropriate procedures for protecting em-
7 ployees of the Transit Authority engaged in work
8 along the track right-of-way, including good faith
9 challenge procedures;

10 (3) instructions to train operators;

11 (4) relevant rules of the Transit Authority;

12 (5) third rail safety;

13 (6) illuminations; and

14 (7) any additional related safety matters.

15 (d) STANDARDS.—The Task Force shall conduct the
16 review under subsection (c) in accordance with—

17 (1) the best principles and practices found in
18 Safety Management Systems and High Reliability
19 Organizations identified in the report of the Transit
20 Rail Advisory Committee entitled “Implementing
21 Safety Management System Principles in Rail Tran-
22 sit Agencies”, dated May 20, 2011; and

23 (2) recommendations detailing how processes,
24 practices, tasks, and individual employee responsibil-
25 ities can support a strong safety culture, as reported

1 in the report of the Transit Rail Advisory Com-
2 mittee entitled “Building Toward a Strong Safety
3 Culture Within the Bus and Rail Transit Industry”,
4 dated February 27, 2017.

5 (e) MEMBERSHIP.—

6 (1) IN GENERAL.—The Task Force shall be
7 composed of 3 members as follows:

8 (A) The Chief Safety Officer of the Tran-
9 sit Authority (or a designee).

10 (B) The Chief Operating Officer of the
11 Transit Authority (or a designee).

12 (C) The President of Amalgamated Tran-
13 sit Union, Local 689 (or a designee).

14 (2) CHAIR.—The Chief Safety Officer of the
15 Transit Authority (or a designee) shall be the Chair
16 of the Task Force.

17 (3) MEETINGS.—The Task Force shall meet at
18 the call of the Chair, but not less frequently than
19 quarterly. Any member of the Task Force may call
20 a meeting of the Task Force if the member provides
21 not fewer than 10 days written notice of the meeting
22 to the other members.

23 (4) COMPENSATION; EXPENSES.—The members
24 of the Task Force shall receive no salary or other
25 compensation for their services, but shall be entitled

1 to reimbursement for actual and necessary expenses
2 incurred in the performance of their duties.

3 (f) ON-TRACK SAFETY PROGRAM.—

4 (1) REPORTS.—Not later than 1 year after the
5 date of enactment of this Act, the Task Force shall
6 issue one or more reports setting forth the rec-
7 ommendations of the Task Force with respect to the
8 on-track safety program.

9 (2) SUBMISSION.—The Task Force shall submit
10 each report issued under this subsection to each cov-
11 ered recipient.

12 (3) IMPLEMENTATION OF MATERIAL MODIFICA-
13 TIONS.—

14 (A) IN GENERAL.—Not later than 5 busi-
15 ness days before implementing any material
16 modification to the on-track safety program, the
17 Transit Authority shall provide written notice of
18 the material modification to the Task Force.

19 (B) REVIEW.—The Task Force shall re-
20 view any material modification to the on-track
21 safety program at the first meeting of the Task
22 Force after receiving written notice of a mate-
23 rial modification under subparagraph (A).

24 (C) LIMITATION ON STATUTORY CON-
25 STRUCTION.—Nothing in this paragraph may

be construed to preclude or limit the right of the Transit Authority to implement a modification to the on-track safety program that the Transit Authority determines is appropriate to enhance the safety of employees, customers, or third parties.

**SEC. 7. KEITH DODSON WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY BUS SAFETY
TASK FORCE.**

(a) DEFINITIONS.—In this section—

(1) the term “bus safety program” means the bus safety program of the Transit Authority; and

(2) the term “Task Force” means the Keith Dodson Washington Metropolitan Area Transit Authority Bus Safety Task Force required to be established under subsection (b).

(b) FUNDING CONTINGENT ON ESTABLISHMENT OF BUS SAFETY TASK FORCE.—The Secretary may not provide any amounts to the Transit Authority under section 602(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432; 122 Stat. 4968), as added by section 4, until the Transit Authority notifies the Secretary that the Transit Authority has taken action to establish and maintain a safety task force for the development of bus safety standards for the

1 Transit Authority, to be known as the “Keith Dodson
2 Washington Metropolitan Area Transit Authority Bus
3 Safety Task Force”, in accordance with this section.

4 (c) DUTIES.—The Task Force shall be responsible for
5 reviewing the bus safety program of the Transit Authority,
6 including—

7 (1) training and qualifications of employees of
8 the Transit Authority affected by the program;

9 (2) appropriate procedures for protecting em-
10 ployees of the Transit Authority engaged in bus op-
11 erations;

12 (3) instructions to bus operators;

13 (4) relevant rules of the Transit Authority; and

14 (5) strategies to eliminate or minimize the expo-
15 sure of the public, personnel, and property to haz-
16 ards and unsafe conditions by, among other meas-
17 ures—

18 (A) scheduling fixed route bus service with
19 adequate time and access for operators to use
20 restroom facilities;

21 (B) protecting bus operators from the risk
22 of assault;

23 (C) eliminating blind spots; and

24 (D) any additional related safety matters.

25 (d) MEMBERSHIP.—

1 (1) IN GENERAL.—The Task Force shall be
2 composed of 3 members as follows:

3 (A) The Chief Safety Officer of the Tran-
4 sit Authority (or a designee).

5 (B) The Chief Operating Officer of the
6 Transit Authority (or a designee).

7 (C) The President of Amalgamated Tran-
8 sit Union, Local 689 (or a designee).

9 (2) CHAIR.—The Chief Safety Officer of the
10 Transit Authority (or a designee) shall be the Chair
11 of the Task Force.

12 (3) MEETINGS.—The Task Force shall meet at
13 the call of the Chair, but not less frequently than
14 quarterly. Any member of the Task Force may call
15 a meeting of the Task Force if the member provides
16 not fewer than 10 days written notice of the meeting
17 to the other members.

18 (4) COMPENSATION; EXPENSES.—The members
19 of the Task Force shall receive no salary or other
20 compensation for their services, but shall be entitled
21 to reimbursement for actual and necessary expenses
22 incurred in the performance of their duties.

23 (e) BUS SAFETY PROGRAM.—

24 (1) REPORTS.—Not later than 1 year after the
25 date of enactment of this Act, the Task Force shall

1 issue one or more reports setting forth the rec-
2 ommendations of the Task Force with respect to the
3 bus safety program.

4 (2) SUBMISSION.—The Task Force shall submit
5 each report issued under this subsection to each cov-
6 ered recipient.

7 (3) IMPLEMENTATION OF MATERIAL MODIFICA-
8 TIONS.—

9 (A) IN GENERAL.—Prior to the implemen-
10 tation of any material modification to the bus
11 safety program, the Transit Authority shall
12 provide written notice of the material modifica-
13 tion to the Task Force.

14 (B) REVIEW.—The Task Force shall re-
15 view any material modification to the bus safety
16 program at the first meeting of the Task Force
17 after receiving written notice of the material
18 modification under subparagraph (A).

19 (C) LIMITATION ON STATUTORY CON-
20 STRUCTION.—Nothing in this paragraph may
21 be construed to preclude or limit the right of
22 the Transit Authority to implement a modifica-
23 tion to the bus safety program that the Transit
24 Authority determines is appropriate to enhance

1 the safety of employees, customers, or third
2 parties.

3 **SEC. 8. CAPITAL PROGRAM AND PLANNING.**

4 (a) CAPITAL PLANNING PROCEDURES.—The Sec-
5 retary may not provide any amounts under section 602(c)
6 of the Passenger Rail Investment and Improvement Act
7 of 2008 (division B of Public Law 110–432; 122 Stat.
8 4968), as added by section 4, until the Secretary certifies
9 that the General Manager of the Transit Authority has
10 implemented procedures that—

11 (1) establish documented policies and proce-
12 dures for the capital planning process that—

13 (A) includes—

14 (i) prioritizing and ranking individual
15 projects based on specific and clearly-stat-
16 ed methodology; and

17 (ii) analysis of lifecycle planning and
18 costs; and

19 (B) is updated on an annual basis;

20 (2) require the Transit Authority to improve
21 the transit asset management planning process
22 through the use of—

23 (A) asset inventory and condition assess-
24 ment procedures; and

1 (B) a comprehensive database of track,
2 guideway, and infrastructure systems, including
3 tunnels, bridges, and communications assets,
4 that complies with the transit asset manage-
5 ment regulations of the Secretary under part
6 625 of title 49, Code of Federal Regulations (or
7 any successor regulation); and

8 (3) require the Transit Authority to develop—

9 (A) performance measures to assess the ef-
10 fectiveness of capital project investments made
11 through the capital planning process, including
12 the process as a whole as well as individual
13 project investments; and

14 (B) measures to gauge performance to-
15 wards outcomes that meet the strategic goals of
16 the Transit Authority and demonstrate respon-
17 sible investment of taxpayer dollars.

18 (b) ANNUAL REPORT.—As a condition of receiving
19 amounts under section 602(c) of the Passenger Rail In-
20 vestment and Improvement Act of 2008 (division B of
21 Public Law 110–432; 122 Stat. 4968), as added by sec-
22 tion 4, the Transit Authority shall submit an annual re-
23 port detailing the Transit Authority’s program of capital
24 projects under subsection (a) and compliance with the
25 transit asset management regulations of the Secretary

1 under part 625 of title 49, Code of Federal Regulations
2 (or any successor regulation), to—

3 (1) each covered recipient;

4 (2) the Committee on Appropriations of the
5 Senate;

6 (3) the Committee on Appropriations of the
7 House of Representatives; and

8 (4) any other recipient that the Board deter-
9 mines appropriate.

10 **SEC. 9. CYBERSECURITY PROTECTIONS IN FUTURE ROLL-**
11 **ING STOCK PROCUREMENTS.**

12 (a) LIMITATION ON CERTAIN ROLLING STOCK PRO-
13 CUREMENTS.—

14 (1) IN GENERAL.—The Transit Authority may
15 not use financial assistance made available under
16 this Act or an amendment made by this Act in
17 awarding a contract or subcontract to an entity on
18 or after the date of enactment of this Act for the
19 procurement of rail rolling stock for use in the pub-
20 lic transportation system operated by the Transit
21 Authority if the manufacturer of the rail rolling
22 stock is owned or controlled by, is a subsidiary of,
23 or is otherwise related legally or financially to a cor-
24 poration based in a country that—

(A) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this Act;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(2) EXCEPTION.—For purposes of paragraph (1), the term “otherwise related legally or financially” does not include a minority relationship or investment.

(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

(4) CERTIFICATION FOR RAIL ROLLING STOCK.—

(A) IN GENERAL.—As a condition of financial assistance made available to the Transit

1 Authority in a fiscal year under this Act or an
 2 amendment made by this Act, the Transit Au-
 3 thority shall certify in that fiscal year that the
 4 Transit Authority will not award any contract
 5 or subcontract for the procurement of rail roll-
 6 ing stock for use in the public transportation
 7 system operated by the Transit Authority to a
 8 rail rolling stock manufacturer described in
 9 paragraph (1).

10 (B) SEPARATE CERTIFICATION.—The cer-
 11 tification required under this paragraph shall be
 12 in addition to any certification the Secretary es-
 13 tablishes to ensure compliance with the require-
 14 ments of paragraph (1).

15 (b) CYBERSECURITY CERTIFICATION FOR RAIL
 16 ROLLING STOCK AND OPERATIONS.—

17 (1) CERTIFICATION.—As a condition of finan-
 18 cial assistance made available to the Transit Author-
 19 ity under this Act or an amendment made by this
 20 Act, the Transit Authority shall certify that the
 21 Transit Authority has established a process to de-
 22 velop, maintain, and execute a written plan for iden-
 23 tifying and reducing cybersecurity risks to the rail
 24 fixed guideway public transportation system oper-
 25 ated by the Transit Authority.

1 (2) COMPLIANCE.—For the process required
2 under paragraph (1), the Transit Authority shall—

3 (A) utilize the approach described by the
4 voluntary standards and best practices devel-
5 oped under section 2(c)(15) of the National In-
6 stitute of Standards and Technology Act (15
7 U.S.C. 272(c)(15)), as applicable;

8 (B) identify hardware and software that
9 the Transit Authority determines should under-
10 go third-party testing and analysis to mitigate
11 cybersecurity risks, such as hardware or soft-
12 ware for rail rolling stock under proposed pro-
13 curements; and

14 (C) utilize the approach described in any
15 voluntary standards and best practices for rail
16 fixed guideway public transportation systems
17 developed under the authority of the Secretary
18 of Homeland Security, as applicable.

19 (3) LIMITATIONS ON STATUTORY CONSTRUC-
20 TION.—Nothing in this subsection shall be construed
21 to interfere with the authority of—

22 (A) the Secretary of Homeland Security to
23 publish or ensure compliance with requirements
24 or standards concerning cybersecurity for rail

1 fixed guideway public transportation systems;
 2 or

3 (B) the Secretary of Transportation under
 4 section 5329 of title 49, United States Code, to
 5 address cybersecurity issues as those issues re-
 6 late to the safety of rail fixed guideway public
 7 transportation systems.

8 **SEC. 10. SENSE OF CONGRESS.**

9 (a) PARTICIPATION BY ALTERNATE DIRECTORS.—It
 10 is the sense of Congress that Congress strongly advises
 11 the Board not to use its authority to adopt annual bylaws
 12 to willfully disregard Section 5 of Article III of the Com-
 13 pact with respect to an alternate Director acting only in
 14 the absence of the Director for whom he or she has been
 15 appointed as an alternate.

16 (b) CONTINUED PRIORITIZATION OF SECURE TECH-
 17 NOLOGICAL IMPROVEMENTS.—It is the sense of Congress
 18 that the Transit Authority should—

19 (1) continue to prioritize the implementation of
 20 new technological systems that include robust cyber-
 21 security protections; and

22 (2) prioritize continued integration of new wire-
 23 less services and emergency communications net-
 24 works, while also leveraging partnerships with mobil-

1 ity services to improve the competitiveness of the
2 core business.

3 **SEC. 11. ADDITIONAL REPORTING.**

4 (a) IN GENERAL.—Not later than 3 years after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall submit to the congressional
7 committees described in subsection (b) a report that—

8 (1) assesses whether the reforms required under
9 section 5 (relating to strengthening the independ-
10 ence of the Office of Inspector General) have been
11 implemented; and

12 (2) assesses—

13 (A) whether the reforms required under
14 section 8 have been implemented; and

15 (B) the impact of those reforms on the
16 capital planning process of the Transit Author-
17 ity.

18 (b) CONGRESSIONAL COMMITTEES.—The congres-
19 sional committees described in this subsection are—

20 (1) the Committee on Banking, Housing, and
21 Urban Affairs of the Senate;

22 (2) the Committee on Homeland Security and
23 Governmental Affairs of the Senate;

24 (3) the Committee on Transportation and In-
25 frastructure of the House of Representatives; and

- 1 (4) the Committee on Oversight and Reform of
- 2 the House of Representatives.

