

109TH CONGRESS
1ST SESSION

H. R. 3496

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 HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. TOM DAVIS of Virginia (for himself, Mr. WOLF, Mr. HOYER, Ms. NORTON, Mr. MORAN of Virginia, Mr. WYNN, Mr. VAN HOLLEN, and Mr. CARDIN) introduced the following bill; which was referred to the Committee on Government Reform

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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Capital Transportation Amendments Act of
6 2005”.

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

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

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

11 (3) Additional funding is required to protect
12 these previous Federal investments and ensure the
13 continued functionality and viability of the original
14 103-mile Metrorail system.

15 **SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS**
16 **FOR WASHINGTON METROPOLITAN AREA**
17 **TRANSIT SYSTEM.**

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

21 “AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBU-
22 TION FOR CAPITAL AND PREVENTIVE MAINTENANCE
23 PROJECTS

24 “SEC. 18. (a) AUTHORIZATION.—Subject to the suc-
25 ceeding provisions of this section, the Secretary of Trans-
26 portation is authorized to make grants to the Transit Au-

1 thority, in addition to the contributions authorized under
2 sections 3, 14, and 17, for the purpose of financing in
3 part the capital and preventive maintenance projects in-
4 cluded in the Capital Improvement Program approved by
5 the Board of Directors of the Transit Authority.

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

9 “(1) The work for which such Federal grants
10 are authorized shall be subject to the provisions of
11 the Compact (consistent with the amendments to the
12 Compact described in subsection (d)).

13 “(2) Each such Federal grant shall be for 50
14 percent of the net project cost of the project in-
15 volved, and shall be provided in cash from sources
16 other than Federal funds or revenues from the oper-
17 ation of public mass transportation systems. Con-
18 sistent with the terms of the amendment to the
19 Compact described in subsection (d)(1), any funds
20 so provided shall be solely from undistributed cash
21 surpluses, replacement or depreciation funds or re-
22 serves available in cash, or new capital.

23 “(c) APPLICABILITY OF REQUIREMENTS FOR MASS
24 TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS
25 UNDER FEDERAL TRANSPORTATION LAW.—Except as

1 specifically provided in this section, the use of any
2 amounts appropriated pursuant to the authorization under
3 this section shall be subject to the requirements applicable
4 to capital projects for which funds are provided under
5 chapter 53 of title 49, United States Code, except to the
6 extent that the Secretary of Transportation determines
7 that the requirements are inconsistent with the purposes
8 of this section.

9 “(d) AMENDMENTS TO COMPACT.—No amounts may
10 be provided to the Transit Authority pursuant to the au-
11 thorization under this section until the Transit Authority
12 notifies the Secretary of Transportation that each of the
13 following amendments to the Compact (and any further
14 amendments which may be required to implement such
15 amendments) have taken effect:

16 “(1) An amendment requiring all payments
17 made by the local signatory governments for the
18 Transit Authority and for the cost of operating and
19 maintaining the adopted regional system are made
20 from amounts derived from dedicated funding
21 sources. For purposes of this paragraph, a ‘dedi-
22 cated funding source’ is any source of funding which
23 is earmarked and required under State or local law
24 to be used for payments to the Transit Authority.

1 “(2) An amendment establishing the Office of
 2 the Inspector General of the Transit Authority in
 3 accordance with section 3 of the National Capital
 4 Transportation Amendments Act of 2005.

5 “(3) An amendment expanding the Board of
 6 Directors of the Transit Authority to include two ad-
 7 ditional Directors appointed by the Administrator of
 8 General Services, one of whom shall be nonvoting.

9 “(e) AMOUNT.—There are authorized to be appro-
 10 priated to the Secretary of Transportation for grants
 11 under this section an aggregate amount not to exceed
 12 \$1,500,000,000 to be available in increments over 10 fis-
 13 cal years beginning in fiscal year 2007, or until expended.

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

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

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

21 **SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AU-**
 22 **THORITY INSPECTOR GENERAL.**

23 (a) ESTABLISHMENT OF OFFICE.—

24 (1) IN GENERAL.—The Washington Metropoli-
 25 tan Area Transit Authority (hereafter referred to as

1 the “Transit Authority”) shall establish in the Tran-
2 sit Authority the Office of the Inspector General
3 (hereafter in this section referred to as the “Of-
4 fice”), headed by the Inspector General of the Tran-
5 sit Authority (hereafter in this section referred to as
6 the “Inspector General”).

7 (2) DEFINITION.—In paragraph (1), the
8 “Washington Metropolitan Area Transit Authority”
9 means the Authority established under Article III of
10 the Washington Metropolitan Area Transit Author-
11 ity Compact (Public Law 89–774).

12 (b) INSPECTOR GENERAL.—

13 (1) APPOINTMENT.—The Inspector General
14 shall be appointed by the vote of a majority of the
15 Board of Directors of the Transit Authority, and
16 shall be appointed without regard to political affili-
17 ation and solely on the basis of integrity and dem-
18 onstrated ability in accounting, auditing, financial
19 analysis, law, management analysis, public adminis-
20 tration, or investigations, as well as familiarity or
21 experience with the operation of transit systems.

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

1 (3) REMOVAL.—The Inspector General may be
2 removed from office prior to the expiration of his
3 term only by the unanimous vote of all of the mem-
4 bers of the Board of Directors of the Transit Au-
5 thority, and the Board shall communicate the rea-
6 sons for any such removal to the Governor of Mary-
7 land, the Governor of Virginia, the Mayor of the
8 District of Columbia, the chair of the Committee on
9 Government Reform of the House of Representa-
10 tives, and the chair of the Committee on Homeland
11 Security and Governmental Affairs of the Senate.

12 (c) DUTIES.—

13 (1) APPLICABILITY OF DUTIES OF INSPECTOR
14 GENERAL OF EXECUTIVE BRANCH ESTABLISH-
15 MENT.—The Inspector General shall carry out the
16 same duties and responsibilities with respect to the
17 Transit Authority as an Inspector General of an es-
18 tablishment carries out with respect to an establish-
19 ment under section 4 of the Inspector General Act
20 of 1978 (5 U.S.C. App. 4), under the same terms
21 and conditions which apply under such section.

22 (2) CONDUCTING ANNUAL AUDIT OF FINANCIAL
23 STATEMENTS.—The Inspector General shall be re-
24 sponsible for conducting the annual audit of the fi-
25 nancial accounts of the Transit Authority, either di-

1 rectly or by contract with an independent external
2 auditor selected by the Inspector General.

3 (3) REPORTS.—

4 (A) SEMIANNUAL REPORTS TO TRANSIT
5 AUTHORITY.—The Inspector General shall pre-
6 pare and submit semiannual reports summa-
7 rizing the activities of the Office in the same
8 manner, and in accordance with the same dead-
9 lines, terms, and conditions, as an Inspector
10 General of an establishment under section 5 of
11 the Inspector General Act of 1978 (5 U.S.C.
12 App. 5). For purposes of applying section 5 of
13 such Act to the Inspector General, the Board of
14 Directors of the Transit Authority shall be con-
15 sidered the head of the establishment, except
16 that the Inspector General shall transmit to the
17 General Manager of the Transit Authority a
18 copy of any report submitted to the Board pur-
19 suant to this paragraph.

20 (B) ANNUAL REPORTS TO LOCAL SIGNA-
21 TORY GOVERNMENTS AND CONGRESS.—Not
22 later than March 31 of each year, the Inspector
23 General shall prepare and submit a report sum-
24 marizing the activities of the Office during the
25 previous year, and shall submit such reports to

1 the Governor of Maryland, the Governor of Vir-
2 ginia, the Mayor of the District of Columbia,
3 the chair of the Committee on Government Re-
4 form of the House of Representatives, and the
5 chair of the Committee on Homeland Security
6 and Governmental Affairs of the Senate.

7 (4) INVESTIGATIONS OF COMPLAINTS OF EM-
8 PLOYEES AND MEMBERS.—

9 (A) AUTHORITY.—The Inspector General
10 may receive and investigate complaints or infor-
11 mation from an employee or member of the
12 Transit Authority concerning the possible exist-
13 ence of an activity constituting a violation of
14 law, rules, or regulations, or mismanagement,
15 gross waste of funds, abuse of authority, or a
16 substantial and specific danger to the public
17 health and safety.

18 (B) NONDISCLOSURE.—The Inspector
19 General shall not, after receipt of a complaint
20 or information from an employee or member,
21 disclose the identity of the employee or member
22 without the consent of the employee or member,
23 unless the Inspector General determines such
24 disclosure is unavoidable during the course of
25 the investigation.

1 (C) PROHIBITING RETALIATION.—An em-
2 ployee or member of the Transit Authority who
3 has authority to take, direct others to take, rec-
4 ommend, or approve any personnel action, shall
5 not, with respect to such authority, take or
6 threaten to take any action against any em-
7 ployee or member as a reprisal for making a
8 complaint or disclosing information to the In-
9 spector General, unless the complaint was made
10 or the information disclosed with the knowledge
11 that it was false or with willful disregard for its
12 truth or falsity.

13 (5) INDEPENDENCE IN CARRYING OUT DU-
14 TIES.—Neither the Board of Directors of the Tran-
15 sit Authority, the General Manager of the Transit
16 Authority, nor any other member or employee of the
17 Transit Authority may prevent or prohibit the In-
18 spector General from carrying out any of the duties
19 or responsibilities assigned to the Inspector General
20 under this section.

21 (d) POWERS.—

22 (1) IN GENERAL.—The Inspector General may
23 exercise the same authorities with respect to the
24 Transit Authority as an Inspector General of an es-
25 tablishment may exercise with respect to an estab-

1 lishment under section 6(a) of the Inspector General
2 Act of 1978 (5 U.S.C. App. 6(a)), other than para-
3 graphs (7), (8), and (9) of such section.

4 (2) STAFF.—

5 (A) ASSISTANT INSPECTOR GENERALS AND
6 OTHER STAFF.—The Inspector General shall
7 appoint and fix the pay of—

8 (i) an Assistant Inspector General for
9 Audits, who shall be responsible for coordi-
10 nating the activities of the Inspector Gen-
11 eral relating to audits;

12 (ii) an Assistant Inspector General for
13 Investigations, who shall be responsible for
14 coordinating the activities of the Inspector
15 General relating to investigations; and

16 (iii) such other personnel as the In-
17 spector General considers appropriate.

18 (B) INDEPENDENCE IN APPOINTING
19 STAFF.—No individual may carry out any of
20 the duties or responsibilities of the Office unless
21 the individual is appointed by the Inspector
22 General, or provides services procured by the
23 Inspector General, pursuant to this paragraph.
24 Nothing in this subparagraph may be construed
25 to prohibit the Inspector General from entering

1 into a contract or other arrangement for the
2 provision of services under this section.

3 (C) APPLICABILITY OF TRANSIT SYSTEM
4 PERSONNEL RULES.—None of the regulations
5 governing the appointment and pay of employ-
6 ees of the Transit System shall apply with re-
7 spect to the appointment and compensation of
8 the personnel of the Office, except to the extent
9 agreed to by the Inspector General. Nothing in
10 the previous sentence may be construed to af-
11 fect subparagraphs (A) through (B).

12 (3) EQUIPMENT AND SUPPLIES.—The General
13 Manager of the Transit Authority shall provide the
14 Office with appropriate and adequate office space,
15 together with such equipment, supplies, and commu-
16 nications facilities and services as may be necessary
17 for the operation of the Office, and shall provide
18 necessary maintenance services for such office space
19 and the equipment and facilities located therein.

20 (e) TRANSFER OF FUNCTIONS.—To the extent that
21 any office or entity in the Transit Authority prior to the
22 appointment of the first Inspector General under this sec-
23 tion carried out any of the duties and responsibilities as-
24 signed to the Inspector General under this section, the
25 functions of such office or entity shall be transferred to

1 the Office upon the appointment of the first Inspector
2 General under this section.

3 **SEC. 4. RESTRICTIONS ON DISPOSITION OF CERTAIN PROP-**
4 **ERTIES.**

5 (a) PROHIBITION ON DISPOSITION OF CERTAIN
6 PROPERTY.—

7 (1) IN GENERAL.—The Washington Metropoli-
8 tan Area Transit Authority (hereafter in this section
9 referred to as the “Transit Authority”) may not sell,
10 lease, or otherwise convey or dispose of the property
11 described in paragraph (2).

12 (2) PROPERTY DESCRIBED.—The property de-
13 scribed in this subsection consists of approximately
14 3.75 acres located in Fairfax County, Virginia, and
15 is contained in all or part of the following parcels on
16 the Fairfax County tax map:

17 (A) Parcel 48—1((1)), 90 Portion.

18 (B) Parcel 48—1((1)), 91B Portion.

19 (C) Parcel 48—1((6)), 7A.

20 (D) Parcel 48—1((6)), 8B.

21 (E) Parcel 48—1((24)), 38A.

22 (b) CONDITIONS FOR DISPOSITION OF CERTAIN
23 PROPERTY.—

24 (1) IN GENERAL.—The Transit Authority may
25 not sell, lease, or otherwise convey or dispose of the

1 property described in paragraph (2) unless the
2 Transit Authority meets each of the following condi-
3 tions:

4 (A) The Transit Authority has met with
5 the Mayor and members of the Council of the
6 City of Takoma Park, Maryland, and commu-
7 nity representatives designated by the Mayor to
8 discuss concerns related to the disposition of
9 such property.

10 (B) The Transit Authority has presented a
11 development plan for the property which—

12 (i) facilitates the movement of buses
13 and other vehicular traffic, pedestrians,
14 and bicycles to and from the Takoma Met-
15 rorail station, and provides sufficient bus
16 bays so that the development of the prop-
17 erty will not cause a direct increase in traf-
18 fic, congestion, or pollution in neighbor-
19 hoods surrounding the station; and

20 (ii) preserves and enhances public
21 green space on the property.

22 (C) The Transit Authority has submitted a
23 statement to the Committee on Government Re-
24 form of the House of Representatives and the
25 Committee on Homeland Security and Govern-

1 mental Affairs of the Senate certifying that the
2 Transit Authority has met the conditions de-
3 scribed in subparagraphs (A) and (B).

4 (2) PROPERTY DESCRIBED.—The property de-
5 scribed in this paragraph consists of Lots 820, 821,
6 822, 823, 829, 831, 832, 833, 839, 840, 841, 845,
7 846, 847, 848, 849, 850, and 851 in Square 3352
8 and Lots 811, 812, and 813 in Square 3353 of the
9 District of Columbia Real Property Assessment
10 Database.

11 (c) RESTRICTIONS ON DEVELOPMENT OF CERTAIN
12 PROPERTIES.—

13 (1) RESTRICTION.—The Transit Authority may
14 not sell, lease, or otherwise convey any of the real
15 property described in paragraph (2) other than in
16 accordance with a development plan for the property
17 which meets the following requirements:

18 (A) The plan shall require that any portion
19 of the property used for residential purposes
20 shall be used only for owner-occupied, multi-
21 family dwellings.

22 (B) The plan must provide for the use of
23 a portion of the property for commercial pur-
24 poses.

1 (C) The plan shall be developed in con-
2 sultation with appropriate representatives of the
3 local governments and communities for the area
4 in which the property is located.

5 (2) PROPERTY DESCRIBED.—The property de-
6 scribed in this paragraph is any real property of the
7 Transit Authority which is located within one mile
8 of the Largo Town Center Metro Rail Station.

9 (d) NO EFFECT ON OTHER AUTHORITIES.—Except
10 as specifically provided, nothing in this section may be
11 construed to affect any law, rule, or regulation governing
12 the development or disposition of real property of the
13 Transit Authority.

14 **SEC. 5. STUDY AND REPORT BY COMPTROLLER GENERAL.**

15 (a) STUDY.—The Comptroller General shall conduct
16 a study on the use of the funds provided under section
17 18 of the National Capital Transportation Act of 1969
18 (as added by this Act).

19 (b) REPORT.—Not later than 3 years after the date
20 of the enactment of this Act, the Comptroller General shall
21 submit a report to the Committee on Government Reform
22 of the House of Representatives and the Committee on
23 Homeland Security and Governmental Affairs of the Sen-
24 ate on the study conducted under subsection (a).

○