

109TH CONGRESS
2D SESSION

H. R. 3496

IN THE SENATE OF THE UNITED STATES

JULY 18, 2006

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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 2006”.

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

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

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

17 (3) Additional funding is required to protect
18 these previous Federal investments and ensure the
19 continued functionality and viability of the original
20 103-mile Metrorail system.

1 **SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS**
2 **FOR WASHINGTON METROPOLITAN AREA**
3 **TRANSIT SYSTEM.**

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

7 “AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBU-
8 TION FOR CAPITAL AND PREVENTIVE MAINTENANCE
9 PROJECTS

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

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

21 “(1) The work for which such Federal grants
22 are authorized shall be subject to the provisions of
23 the Compact (consistent with the amendments to the
24 Compact described in subsection (d)).

25 “(2) Each such Federal grant shall be for 50
26 percent of the net project cost of the project in-

1 volved, and shall be provided in cash from sources
2 other than Federal funds or revenues from the oper-
3 ation of public mass transportation systems. Con-
4 sistent with the terms of the amendment to the
5 Compact described in subsection (d)(1), any funds
6 so provided shall be solely from undistributed cash
7 surpluses, replacement or depreciation funds or re-
8 serves available in cash, or new capital.

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

20 “(d) AMENDMENTS TO COMPACT.—No amounts may
21 be provided to the Transit Authority pursuant to the au-
22 thorization under this section until the Transit Authority
23 notifies the Secretary of Transportation that each of the
24 following amendments to the Compact (and any further

1 amendments which may be required to implement such
2 amendments) have taken effect:

3 “(1) An amendment requiring all payments
4 made by the local signatory governments for the
5 Transit Authority and for the cost of operating and
6 maintaining the adopted regional system are made
7 from amounts derived from dedicated funding
8 sources. For purposes of this paragraph, a ‘dedi-
9 cated funding source’ is any source of funding which
10 is earmarked and required under State or local law
11 to be used for payments to the Transit Authority.

12 “(2) An amendment establishing the Office of
13 the Inspector General of the Transit Authority in
14 accordance with section 3 of the National Capital
15 Transportation Amendments Act of 2006.

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

24 “(e) AMOUNT.—There are authorized to be appro-
25 priated for grants under this section such sums as are

1 made available to the Secretary of Treasury to make pay-
 2 ments to the Transit Authority pursuant to section 9(k)
 3 of the Outer Continental Shelf Lands Act (43 U.S.C.
 4 1338).

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

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

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

12 **SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AU-**
 13 **THORITY INSPECTOR GENERAL.**

14 (a) ESTABLISHMENT OF OFFICE.—

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

23 (2) DEFINITION.—In paragraph (1), the
 24 “Washington Metropolitan Area Transit Authority”
 25 means the Authority established under Article III of

1 the Washington Metropolitan Area Transit Author-
2 ity Compact (Public Law 89-774).

3 (b) INSPECTOR GENERAL.—

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

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

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

1 tives, and the chair of the Committee on Homeland
2 Security and Governmental Affairs of the Senate.

3 (c) DUTIES.—

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

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

19 (3) REPORTS.—

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

1 General of an establishment under section 5 of
2 the Inspector General Act of 1978 (5 U.S.C.
3 App. 5). For purposes of applying section 5 of
4 such Act to the Inspector General, the Board of
5 Directors of the Transit Authority shall be con-
6 sidered the head of the establishment, except
7 that the Inspector General shall transmit to the
8 General Manager of the Transit Authority a
9 copy of any report submitted to the Board pur-
10 suant to this paragraph.

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

23 (4) INVESTIGATIONS OF COMPLAINTS OF EM-
24 PLOYEES AND MEMBERS.—

1 (A) AUTHORITY.—The Inspector General
2 may receive and investigate complaints or infor-
3 mation from an employee or member of the
4 Transit Authority concerning the possible exist-
5 ence of an activity constituting a violation of
6 law, rules, or regulations, or mismanagement,
7 gross waste of funds, abuse of authority, or a
8 substantial and specific danger to the public
9 health and safety.

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

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

1 spector General, unless the complaint was made
2 or the information disclosed with the knowledge
3 that it was false or with willful disregard for its
4 truth or falsity.

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

13 (d) POWERS.—

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

21 (2) STAFF.—

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

1 (i) an Assistant Inspector General for
2 Audits, who shall be responsible for coordi-
3 nating the activities of the Inspector Gen-
4 eral relating to audits;

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

9 (iii) such other personnel as the In-
10 spector General considers appropriate.

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

21 (C) APPLICABILITY OF TRANSIT SYSTEM
22 PERSONNEL RULES.—None of the regulations
23 governing the appointment and pay of employ-
24 ees of the Transit System shall apply with re-
25 spect to the appointment and compensation of

1 the personnel of the Office, except to the extent
2 agreed to by the Inspector General. Nothing in
3 the previous sentence may be construed to af-
4 fect subparagraphs (A) through (B).

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

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

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

23 (a) PROHIBITION ON DISPOSITION OF CERTAIN
24 PROPERTY.—

1 (1) IN GENERAL.—The Washington Metropoli-
2 tan Area Transit Authority (hereafter in this section
3 referred to as the “Transit Authority”) may not sell,
4 lease, or otherwise convey or dispose of the property
5 described in paragraph (2) unless the Transit Au-
6 thority meets each of the following conditions:

7 (A) The Transit Authority has held a sepa-
8 rate, additional public hearing after October 20,
9 2005, regarding the disposition of the property
10 at which members of the general public had the
11 opportunity to comment.

12 (B) The Transit Authority has submitted a
13 report to the Committee on Government Re-
14 form of the House of Representatives and the
15 Committee on Homeland Security and Govern-
16 mental Affairs of the Senate on the costs and
17 benefits associated with the disposition of the
18 property, the impact of the disposition on park-
19 ing facilities available at the Vienna Metrorail
20 station, and the effect of the disposition on the
21 capacity of the Vienna Metrorail station and
22 the entire Metrorail system.

23 (2) PROPERTY DESCRIBED.—The property de-
24 scribed in this subsection consists of approximately
25 3.75 acres located in Fairfax County, Virginia, and

1 is contained in all or part of the following parcels on
2 the Fairfax County tax map:

3 (A) Parcel 48—1((1)), 90 Portion.

4 (B) Parcel 48—1((1)), 91B Portion.

5 (C) Parcel 48—1((6)), 7A.

6 (D) Parcel 48—1((6)), 8B.

7 (E) Parcel 48—1((24)), 38A.

8 (b) CONDITIONS FOR DISPOSITION OF CERTAIN
9 PROPERTY.—

10 (1) IN GENERAL.—The Transit Authority may
11 not sell, lease, or otherwise convey or dispose of the
12 property described in paragraph (2) unless the
13 Transit Authority meets each of the following condi-
14 tions:

15 (A) The Transit Authority has met with
16 the Mayor and members of the Council of the
17 City of Takoma Park, Maryland, and commu-
18 nity representatives to discuss each of the fol-
19 lowing issues related to the disposition of such
20 property:

21 (i) The movement of buses and other
22 vehicles, pedestrians, and bicycles to and
23 from the Takoma Park Metrorail station.

24 (ii) The provision of bus bays, based
25 on recommendations of the Transit Au-

1 thority and the Maryland Transit Adminis-
2 tration's Ride-On program.

3 (iii) The enhancement of public green
4 space on the property, based on the Cen-
5 tral District Plan for Takoma DC.

6 (B) The Transit Authority will work with
7 residents and elected officials of Takoma Park,
8 Maryland, and the Takoma area of the District
9 of Columbia throughout the planning phase of
10 the development of such property.

11 (C) The Transit Authority has submitted a
12 statement to the Committee on Government Re-
13 form of the House of Representatives and the
14 Committee on Homeland Security and Govern-
15 mental Affairs of the Senate certifying that the
16 Transit Authority has met the conditions de-
17 scribed in subparagraphs (A) and (B).

18 (2) PROPERTY DESCRIBED.—The property de-
19 scribed in this paragraph consists of Lots 820, 821,
20 822, 823, 829, 831, 832, 833, 839, 840, 841, 845,
21 846, 847, 848, 849, 850, and 851 in Square 3352
22 and Lots 811, 812, and 813 in Square 3353 of the
23 District of Columbia Real Property Assessment
24 Database.

1 (c) RESTRICTIONS ON DEVELOPMENT OF CERTAIN
2 PROPERTIES.—

3 (1) RESTRICTION.—The Transit Authority may
4 not sell, lease, or otherwise convey any of the real
5 property described in paragraph (2) other than in
6 accordance with a development plan for the property
7 which meets the following requirements:

8 (A) The plan shall require that any portion
9 of the property used for residential purposes
10 shall be used only for owner-occupied, multi-
11 family dwellings.

12 (B) The plan must provide for the use of
13 a portion of the property for commercial pur-
14 poses.

15 (C) The plan shall be developed in con-
16 sultation with appropriate representatives of the
17 local governments and communities for the area
18 in which the property is located.

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

23 (d) NO EFFECT ON OTHER AUTHORITIES.—Except
24 as specifically provided, nothing in this section may be
25 construed to affect any law, rule, or regulation governing

1 the development or disposition of real property of the
2 Transit Authority.

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

4 (a) STUDY.—The Comptroller General shall conduct
5 a study on the use of the funds provided under section
6 18 of the National Capital Transportation Act of 1969
7 (as added by this Act).

8 (b) REPORT.—Not later than 3 years after the date
9 of the enactment of this Act, the Comptroller General shall
10 submit a report to the Committee on Government Reform
11 of the House of Representatives and the Committee on
12 Homeland Security and Governmental Affairs of the Sen-
13 ate on the study conducted under subsection (a).

Passed the House of Representatives July 17, 2006.

Attest:

KAREN L. HAAS,

Clerk.