

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6202

To withdraw the consent of Congress to the interstate compact between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port Authority, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2010

Mr. BRADY of Pennsylvania (for himself and Mr. ANDREWS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To withdraw the consent of Congress to the interstate compact between the State of New Jersey and the Commonwealth of Pennsylvania concerning the Delaware River Port 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. WITHDRAWAL OF CONSENT OF CONGRESS TO**  
2 **DELAWARE RIVER PORT AUTHORITY INTER-**  
3 **STATE COMPACT.**

4 (a) **IN GENERAL.**—Effective upon the expiration of  
5 the 1-year period which begins on the date of the enact-  
6 ment of this Act, and subject to subsection (b), Congress  
7 withdraws the consent given under Public Law 82–573 to  
8 the supplemental compact or agreement between the State  
9 of New Jersey and the Commonwealth of Pennsylvania  
10 concerning the Delaware River Port Authority (hereafter  
11 in this Act referred to as the “Authority”).

12 (b) **WAIVER OF WITHDRAWAL.**—Subsection (a) shall  
13 not apply if, prior to the expiration of the period described  
14 in such subsection, the Delaware River Port Authority—

15 (1) establishes an Office of the Inspector Gen-  
16 eral of the Authority in accordance with section 2;

17 (2) establishes a Citizens Advisory Board in ac-  
18 cordance with section 3;

19 (3) certifies to Congress that the Governor of  
20 Pennsylvania has the same authority to make line-  
21 item vetoes of items in the budget of the Authority  
22 as the Governor of New Jersey;

23 (4) enters into an agreement with the Secretary  
24 of Defense under which an officer of the Department  
25 of Defense designated by the Secretary shall serve as

1 a Commissioner of the Authority on an ex officio  
2 basis; and

3 (5) enters into an agreement with the appro-  
4 priate officials of the Federal Government under  
5 which the Authority will reimburse the Federal Gov-  
6 ernment for any expenses incurred by any entity of  
7 the Federal Government in carrying out any require-  
8 ment of this Act.

9 **SEC. 2. INSPECTOR GENERAL OF THE DELAWARE RIVER**  
10 **PORT AUTHORITY.**

11 (a) ESTABLISHMENT OF OFFICE.—The Authority  
12 shall establish in the Authority an Office of the Inspector  
13 General (hereafter referred to as the “Office”), to be head-  
14 ed by the Inspector General of the Delaware River Port  
15 Authority (hereafter referred to as the “Inspector Gen-  
16 eral”).

17 (b) INSPECTOR GENERAL.—

18 (1) APPOINTMENT.—The Inspector General  
19 shall be appointed by the vote of a majority of the  
20 Commissioners of the Authority, and shall be ap-  
21 pointed without regard to political affiliation and  
22 solely on the basis of integrity and demonstrated  
23 ability in accounting, auditing, financial analysis,  
24 law, management analysis, public administration, or

1 investigations, as well as familiarity or experience  
2 with the operation of transit systems.

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

7 (3) REMOVAL.—The Inspector General may be  
8 removed from office prior to the expiration of his  
9 term only by the unanimous vote of all of the mem-  
10 bers of the Commissioners of the Authority, and the  
11 Authority shall communicate the reasons for any  
12 such removal to the Governor of Pennsylvania, the  
13 Governor of New Jersey, each Member of Congress  
14 from Pennsylvania, and each Member of Congress  
15 from New Jersey.

16 (c) DUTIES.—

17 (1) APPLICABILITY OF DUTIES OF INSPECTOR  
18 GENERAL OF EXECUTIVE BRANCH ESTABLISH-  
19 MENT.—The Inspector General shall carry out the  
20 same duties and responsibilities with respect to the  
21 Authority as an Inspector General of an establish-  
22 ment carries out with respect to an establishment  
23 under section 4 of the Inspector General Act of  
24 1978 (5 U.S.C. App. 4), under the same terms and  
25 conditions which apply under such section.

1           (2) CONDUCTING ANNUAL AUDIT OF FINANCIAL  
2 STATEMENTS.—The Inspector General shall be re-  
3 sponsible for conducting the annual audit of the fi-  
4 nancial accounts of the Authority, either directly or  
5 by contract with an independent external auditor se-  
6 lected by the Inspector General.

7           (3) REPORTS.—

8           (A) SEMIANNUAL REPORTS TO AUTHOR-  
9 ITY.—The Inspector General shall prepare and  
10 submit semiannual reports summarizing the ac-  
11 tivities of the Office in the same manner, and  
12 in accordance with the same deadlines, terms,  
13 and conditions, as an Inspector General of an  
14 establishment under section 5 of the Inspector  
15 General Act of 1978 (5 U.S.C. App. 5). For  
16 purposes of applying section 5 of such Act to  
17 the Inspector General, the Commissioners of  
18 the Authority shall be considered the head of  
19 the establishment, except that the Inspector  
20 General shall transmit to the Executive Direc-  
21 tor of the Authority a copy of any report sub-  
22 mitted to the Commissioners pursuant to this  
23 paragraph.

24           (B) ANNUAL REPORTS TO LOCAL SIGNA-  
25 TORY GOVERNMENTS AND CONGRESS.—Not

1 later than January 15 of each year, the Inspec-  
2 tor General shall prepare and submit a report  
3 summarizing the activities of the Office during  
4 the previous year, and shall submit such reports  
5 to the Governor of Pennsylvania, the Governor  
6 of New Jersey, each Member of Congress from  
7 Pennsylvania, and each Member of Congress  
8 from New Jersey.

9 (4) INVESTIGATIONS OF COMPLAINTS OF EM-  
10 PLOYEES AND MEMBERS.—

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

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

1 disclosure is unavoidable during the course of  
2 the investigation.

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

15 (5) INDEPENDENCE IN CARRYING OUT DU-  
16 TIES.—Neither the Commissioners of the Authority,  
17 the Executive Director of the Authority, nor any  
18 other member or employee of the Transit Authority  
19 may prevent or prohibit the Inspector General from  
20 carrying out any of the duties or responsibilities as-  
21 signed to the Inspector General under this section.

22 (d) POWERS.—

23 (1) IN GENERAL.—The Inspector General may  
24 exercise the same authorities with respect to the Au-  
25 thority as an Inspector General of an establishment

1 may exercise with respect to an establishment under  
2 section 6(a) of the Inspector General Act of 1978 (5  
3 U.S.C. App. 6(a)), other than paragraphs (7), (8),  
4 and (9) of such section.

5 (2) STAFF.—

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

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

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

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

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



1 to prohibit the Inspector General from entering  
2 into a contract or other arrangement for the  
3 provision of services under this section.

4 (C) APPLICABILITY OF AUTHORITY PER-  
5 SONNEL RULES.—None of the regulations gov-  
6 erning the appointment and pay of employees of  
7 the Authority shall apply with respect to the ap-  
8 pointment and compensation of the personnel of  
9 the Office, except to the extent agreed to by the  
10 Inspector General. Nothing in the previous sen-  
11 tence may be construed to affect subparagraphs  
12 (A) through (B).

13 (3) EQUIPMENT AND SUPPLIES.—The Execu-  
14 tive Director of the Authority shall provide the Of-  
15 fice with appropriate and adequate office space, to-  
16 gether with such equipment, supplies, and commu-  
17 nications facilities and services as may be necessary  
18 for the operation of the Office, and shall provide  
19 necessary maintenance services for such office space  
20 and the equipment and facilities located therein.

21 (e) TRANSFER OF FUNCTIONS.—To the extent that  
22 any office or entity in the Authority prior to the appoint-  
23 ment of the first Inspector General under this section car-  
24 ried out any of the duties and responsibilities assigned to  
25 the Inspector General under this section, the functions of

1 such office or entity shall be transferred to the Office upon  
2 the appointment of the first Inspector General under this  
3 section.

4 **SEC. 3. CITIZENS ADVISORY BOARD OF THE DELAWARE**  
5 **RIVER PORT AUTHORITY.**

6 (a) ESTABLISHMENT.—The Authority shall establish  
7 in the Authority the Delaware River Port Authority Citi-  
8 zens Advisory Board (hereafter referred to as the “Advi-  
9 sory Board”).

10 (b) BOARD.—

11 (1) MEMBERSHIP; APPOINTMENT.—The Advi-  
12 sory Board shall consist of 12 Members, of whom—

13 (A) 3 shall be appointed jointly by Mem-  
14 bers of Congress representing jurisdictions in  
15 Pennsylvania served by the Authority;

16 (B) 3 shall be appointed jointly by Mem-  
17 bers of Congress representing jurisdictions in  
18 New Jersey served by the Authority;

19 (C) 3 shall be appointed by the Governor  
20 of Pennsylvania; and

21 (D) 3 shall be appointed by the Governor  
22 of New Jersey.

23 (2) CHAIR.—In addition to the Members ap-  
24 pointed under paragraph (1), the Board shall have  
25 an additional Member who shall be the Chair and

1 who shall be appointed for a single 2-year term as  
2 follows:

3 (A) The Chair appointed for the first 2-  
4 year term under this paragraph shall be ap-  
5 pointed jointly by Members of Congress rep-  
6 resenting jurisdictions in New Jersey served by  
7 the Authority.

8 (B) The Chair appointed for the next 2-  
9 year term shall be appointed jointly by Mem-  
10 bers of Congress representing jurisdictions in  
11 Pennsylvania served by the Authority.

12 (C) The Chair appointed for the next 2-  
13 year term shall be appointed by the Governor of  
14 Pennsylvania.

15 (D) The Chair appointed for the next 2-  
16 year term shall be appointed by the Governor of  
17 New Jersey.

18 (E) The Chair appointed for any subse-  
19 quent 2-year term shall be appointed in the  
20 same manner and in the same order as provided  
21 under subparagraphs (A) through (D).

22 (3) QUALIFICATIONS.—Members of the Advi-  
23 sory Board shall be individuals who are regular con-  
24 sumers of the services provided by the Authority.

1           (4) TERM OF SERVICE; VACANCY.—A Member  
2 of the Advisory Board shall serve for a term of 2  
3 years, and may be reappointed for additional terms.  
4 A vacancy in the membership of the Advisory Board  
5 shall be filled in the same manner as the original ap-  
6 pointment.

7           (5) NO PAY FOR SERVICE.—Members of the  
8 Advisory Board shall serve without pay, but shall be  
9 compensated for travel expenses incurred in attend-  
10 ing meetings of the Advisory Board.

11 (c) DUTIES.—

12           (1) IN GENERAL.—The Advisory Board shall  
13 solicit input from regular consumers of the services  
14 provided by the Authority and advise the Commis-  
15 sioners of the Authority on issues relating to the op-  
16 eration of the Authority which affect such con-  
17 sumers.

18           (2) MEETINGS.—The Advisory Board shall hold  
19 a regular meeting which shall be open to the public  
20 each calendar quarter.

21           (3) ANNUAL REPORT.—

22           (A) REPORT REQUIRED.—Not later than  
23 45 days after the end of each calendar year, the  
24 Advisory Board shall submit a report to the  
25 Commissioners of the Authority which describes

1 the Advisory Board's activities during the year,  
2 and shall include in the report such rec-  
3 ommendations relating to the operation of the  
4 Authority as the Advisory Board considers ap-  
5 propriate.

6 (B) RESPONSE BY COMMISSIONERS.—Not  
7 later than 45 days after the receiving the an-  
8 nual report for a year from the Advisory Board  
9 under subparagraph (A), the Commissioners  
10 shall hold a public meeting for the sole purpose  
11 of reviewing the report.

12 (d) EQUIPMENT AND SUPPLIES.—The Executive Di-  
13 rector of the Authority shall provide the Advisory Board  
14 with appropriate and adequate office space, together with  
15 such equipment, supplies, and communications facilities  
16 and services as may be necessary for the operation of the  
17 Advisory Board, and shall provide necessary maintenance  
18 services for such office space and the equipment and facili-  
19 ties located therein.

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