

117TH CONGRESS
1ST SESSION

S. 354

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

FEBRUARY 22, 2021

Mr. WARNER (for himself, Mr. KAINE, Mr. CARDIN, 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 2021”.

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 2021
 14 through 2030.”.

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 2021
7 through 2030 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 (a) SENSE OF CONGRESS.—Congress recognizes the
3 importance of the Transit Authority having a strong and
4 independent Office of Inspector General, as codified in
5 subsections (a) and (d) of Section 9 of Article III of the
6 Compact.

7 (b) REFORMS.—The Secretary may not provide any
8 amounts to the Transit Authority under section 602(c) of
9 the Passenger Rail Investment and Improvement Act of
10 2008 (division B of Public Law 110–432; 122 Stat. 4968),
11 as added by section 4, until the Secretary certifies that
12 the Board has passed a resolution that—

13 (1) provides that, for each fiscal year, the Of-
14 fice of Inspector General shall transmit a budget es-
15 timate and request to the Board specifying the ag-
16 gregate amount of funds requested for the fiscal
17 year for the operations of the Office;

18 (2) delegates to the Inspector General, to the
19 extent possible under the Compact and in accord-
20 ance with each applicable Federal law or regulation,
21 contracting officer authority, subject to the require-
22 ment that the Inspector General exercise that au-
23 thority—

24 (A) in accordance with Section 73 of Arti-
25 cle XVI of the Compact, after working with the
26 Transit Authority to amend procurement poli-

1 cies and procedures to give the Inspector Gen-
 2 eral approving authority for exceptions to those
 3 policies and procedures; and

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

6 (3) delegates to the Inspector General, to the
 7 extent possible under the Compact and in accord-
 8 ance with each applicable Federal law or regula-
 9 tion—

10 (A) the authority to select, appoint, and
 11 employ such officers and employees as may be
 12 necessary for carrying out the duties of the Of-
 13 fice of Inspector General, subject to the require-
 14 ment that the Inspector General exercise that
 15 authority in accordance with—

16 (i) subsections (g) and (h) of Section
 17 12 of Article V of the Compact; and

18 (ii) personnel policies and procedures
 19 of the Transit Authority; and

20 (B) approving authority, subject to the ap-
 21 proval of the Board, for exceptions to policies
 22 that impact the independence of the Office of
 23 Inspector General, but those exceptions may not
 24 include the use of employee benefits and pen-

1 sion plans other than the employee benefits and
 2 pension plans of the Transit Authority;

3 (4)(A) ensures that the Inspector General ob-
 4 tains legal advice from a counsel reporting directly
 5 to the Inspector General; and

6 (B) prohibits the counsel described in subpara-
 7 graph (A) from—

8 (i) providing legal advice for or on behalf
 9 of the Transit Authority;

10 (ii) issuing a legal opinion on behalf of the
 11 Transit Authority or making a statement about
 12 a legal position of the Transit Authority; or

13 (iii) waiving any privilege or protection
 14 from disclosure on any matter under the juris-
 15 diction of the Transit Authority; and

16 (5) requires the Inspector General to—

17 (A) post any report containing a rec-
 18 ommendation for corrective action to the
 19 website of the Office of Inspector General not
 20 later than 3 days after the report is submitted
 21 in final form to the Board, except that—

22 (i) the Inspector General shall, if re-
 23 quired by law or otherwise appropriate, re-
 24 dact—

1 (I) personally identifiable infor-
2 mation;

3 (II) legally privileged informa-
4 tion;

5 (III) information legally prohib-
6 ited from disclosure; and

7 (IV) information that, in the de-
8 termination of the Inspector General,
9 would pose a security risk to the sys-
10 tems of the Transit Authority; and

11 (ii) with respect to any investigative
12 findings in a case involving administrative
13 misconduct, whether included in a rec-
14 ommendation or otherwise, the Inspector
15 General shall publish only a summary of
16 the findings, which summary shall be re-
17 dacted in accordance with the procedures
18 set forth in clause (i);

19 (B) submit a semiannual report containing
20 recommendations of corrective action to the
21 Board, which the Board shall transmit not later
22 than 30 days after receipt of the report, to-
23 gether with any comments the Board deter-
24 mines appropriate, to—

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

3 (ii) the Committee on Appropriations
4 of the Senate;

5 (iii) the Committee on Appropriations
6 of the House of Representatives; and

7 (iv) any other recipients that the
8 Board determines appropriate; and

9 (C) not later than 2 years after the date
10 of enactment of this Act and 5 years after the
11 date of enactment of this Act, submit to each
12 covered recipient a report that—

13 (i) describes the implementation by
14 the Transit Authority of the reforms re-
15 quired under, and the use by the Transit
16 Authority of the funding authorized
17 under—

18 (I) chapter 34 of title 33.2 of the
19 Code of Virginia;

20 (II) section 10–205 of the Trans-
21 portation Article of the Code of Mary-
22 land; and

23 (III) section 6002 of the Dedi-
24 cated WMATA Funding and Tax
25 Changes Affecting Real Property and

1 Sales Amendment Act of 2018 (1–
2 325.401, D.C. Official Code); and

3 (ii) contains—

4 (I) an assessment of the effective
5 use of the funding described in clause
6 (i) to address major capital improve-
7 ment projects;

8 (II) a discussion of compliance
9 with strategic plan deadlines;

10 (III) an examination of compli-
11 ance with the reform requirements
12 under the laws described in clause (i),
13 including identifying any challenges to
14 compliance or implementation; and

15 (IV) recommendations to the
16 Transit Authority to improve imple-
17 mentation.

18 **SEC. 6. JEANICE MCMILLAN WASHINGTON METROPOLITAN**
19 **AREA TRANSIT AUTHORITY TRACK SAFETY**
20 **TASK FORCE.**

21 (a) DEFINITIONS.—In this section—

22 (1) the term “on-track safety program” means
23 the on-track safety program of the Transit Author-
24 ity; and

1 (2) the term “Task Force” means the Jeanice
2 McMillan Washington Metropolitan Area Transit
3 Authority Track Safety Task Force required to be
4 established under subsection (b).

5 (b) FUNDING CONTINGENT ON ESTABLISHMENT OF
6 TRACK SAFETY TASK FORCE.—The Secretary may not
7 provide any amounts to the Transit Authority under sec-
8 tion 602(c) of the Passenger Rail Investment and Im-
9 provement Act of 2008 (division B of Public Law 110–
10 432; 122 Stat. 4968), as added by section 4, until the
11 Transit Authority notifies the Secretary that the Transit
12 Authority has taken action to establish and maintain a
13 safety task force for the development of on-track safety
14 standards for the Transit Authority, to be known as the
15 “Jeanice McMillan Washington Metropolitan Area Transit
16 Authority Track Safety Task Force”, in accordance with
17 this section.

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

21 (1) training and qualifications of employees of
22 the Transit Authority affected by the program;

23 (2) appropriate procedures for protecting em-
24 ployees of the Transit Authority engaged in work

1 along the track right-of-way, including good faith
2 challenge procedures;

3 (3) instructions to train operators;

4 (4) relevant rules of the Transit Authority;

5 (5) third rail safety;

6 (6) illuminations; and

7 (7) any additional related safety matters.

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

10 (1) the best principles and practices found in
11 Safety Management Systems and High Reliability
12 Organizations identified in the report of the Transit
13 Rail Advisory Committee entitled “Implementing
14 Safety Management System Principles in Rail Tran-
15 sit Agencies”, dated May 20, 2011; and

16 (2) recommendations detailing how processes,
17 practices, tasks, and individual employee responsibil-
18 ities can support a strong safety culture, as reported
19 in the report of the Transit Rail Advisory Com-
20 mittee entitled “Building Toward a Strong Safety
21 Culture Within the Bus and Rail Transit Industry”,
22 dated February 27, 2017.

23 (e) MEMBERSHIP.—

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

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

3 (B) The Chief Operating Officer of the
4 Transit Authority (or a designee).

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

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

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

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

21 (f) ON-TRACK SAFETY PROGRAM.—

22 (1) REPORTS.—Not later than 1 year after the
23 date of enactment of this Act, the Task Force shall
24 issue one or more reports setting forth the rec-

ommendations of the Task Force with respect to the on-track safety program.

(2) SUBMISSION.—The Task Force shall submit each report issued under this subsection to each covered recipient.

(3) IMPLEMENTATION OF MATERIAL MODIFICATIONS.—

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

(B) REVIEW.—The Task Force shall review any material modification to the on-track safety program at the first meeting of the Task Force after receiving written notice of a material modification under subparagraph (A).

(C) LIMITATION ON STATUTORY CONSTRUCTION.—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.

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

4 (a) DEFINITIONS.—In this section—

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

7 (2) the term “Task Force” means the Keith
8 Dodson Washington Metropolitan Area Transit Au-
9 thority Bus Safety Task Force required to be estab-
10 lished under subsection (b).

11 (b) FUNDING CONTINGENT ON ESTABLISHMENT OF
12 BUS SAFETY TASK FORCE.—The Secretary may not pro-
13 vide any amounts to the Transit Authority under section
14 602(c) of the Passenger Rail Investment and Improve-
15 ment Act of 2008 (division B of Public Law 110–432; 122
16 Stat. 4968), as added by section 4, until the Transit Au-
17 thority notifies the Secretary that the Transit Authority
18 has taken action to establish and maintain a safety task
19 force for the development of bus safety standards for the
20 Transit Authority, to be known as the “Keith Dodson
21 Washington Metropolitan Area Transit Authority Bus
22 Safety Task Force”, in accordance with this section.

23 (c) DUTIES.—The Task Force shall be responsible for
24 reviewing the bus safety program of the Transit Authority,
25 including—

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

3 (2) appropriate procedures for protecting em-
4 ployees of the Transit Authority engaged in bus op-
5 erations;

6 (3) instructions to bus operators;

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

8 (5) strategies to eliminate or minimize the expo-
9 sure of the public, personnel, and property to haz-
10 ards and unsafe conditions by, among other meas-
11 ures—

12 (A) scheduling fixed route bus service with
13 adequate time and access for operators to use
14 restroom facilities;

15 (B) protecting bus operators from the risk
16 of assault;

17 (C) eliminating blind spots; and

18 (D) any additional related safety matters.

19 (d) MEMBERSHIP.—

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

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

24 (B) The Chief Operating Officer of the
25 Transit Authority (or a designee).

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

3 (2) CHAIR.—The Chief Safety Officer of the
 4 Transit Authority (or a designee) shall be the Chair
 5 of the Task Force.

6 (3) MEETINGS.—The Task Force shall meet at
 7 the call of the Chair, but not less frequently than
 8 quarterly. Any member of the Task Force may call
 9 a meeting of the Task Force if the member provides
 10 not fewer than 10 days written notice of the meeting
 11 to the other members.

12 (4) COMPENSATION; EXPENSES.—The members
 13 of the Task Force shall receive no salary or other
 14 compensation for their services, but shall be entitled
 15 to reimbursement for actual and necessary expenses
 16 incurred in the performance of their duties.

17 (e) BUS SAFETY PROGRAM.—

18 (1) REPORTS.—Not later than 1 year after the
 19 date of enactment of this Act, the Task Force shall
 20 issue one or more reports setting forth the rec-
 21 ommendations of the Task Force with respect to the
 22 bus safety program.

23 (2) SUBMISSION.—The Task Force shall submit
 24 each report issued under this subsection to each cov-
 25 ered recipient.

1 (3) IMPLEMENTATION OF MATERIAL MODIFICA-
2 TIONS.—

3 (A) IN GENERAL.—Prior to the implemen-
4 tation of any material modification to the bus
5 safety program, the Transit Authority shall
6 provide written notice of the material modifica-
7 tion to the Task Force.

8 (B) REVIEW.—The Task Force shall re-
9 view any material modification to the bus safety
10 program at the first meeting of the Task Force
11 after receiving written notice of the material
12 modification under subparagraph (A).

13 (C) LIMITATION ON STATUTORY CON-
14 STRUCTION.—Nothing in this paragraph may
15 be construed to preclude or limit the right of
16 the Transit Authority to implement a modifica-
17 tion to the bus safety program that the Transit
18 Authority determines is appropriate to enhance
19 the safety of employees, customers, or third
20 parties.

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

22 (a) CAPITAL PLANNING PROCEDURES.—The Transit
23 Authority may not expend any amounts received under
24 section 602(c) of the Passenger Rail Investment and Im-
25 provement Act of 2008 (division B of Public Law 110—

1 432; 122 Stat. 4968), as added by section 4, until the
2 General Manager of the Transit Authority certifies to the
3 Secretary that the Transit Authority has implemented—

4 (1) documented policies and procedures for the
5 capital planning process that include—

6 (A) a process that aligns projects to the
7 strategic goals of the Transit Authority; and

8 (B) a process to develop total project costs
9 and alternatives for all major capital projects,
10 as defined in section 633.5 of title 49, Code of
11 Federal Regulations, or any successor regula-
12 tion;

13 (2) a transit asset management planning proc-
14 ess that includes—

15 (A) asset inventory and condition assess-
16 ment procedures; and

17 (B) procedures to develop a data set of
18 track, guideway, and infrastructure systems, in-
19 cluding tunnels, bridges, and communications
20 assets, that complies with the transit asset
21 management regulations of the Secretary under
22 part 625 of title 49, Code of Federal Regula-
23 tions (or any successor regulation); and

24 (3) performance measures, aligned with the
25 strategic goals of the Transit Authority, to assess

1 the effectiveness and outcomes of major capital
2 projects.

3 (b) ANNUAL REPORT.—As a condition of receiving
4 amounts under section 602(c) of the Passenger Rail In-
5 vestment and Improvement Act of 2008 (division B of
6 Public Law 110–432; 122 Stat. 4968), as added by sec-
7 tion 4, the Transit Authority shall submit an annual re-
8 port detailing the Transit Authority’s Capital Improve-
9 ment Program approved by the Board of Directors of the
10 Transit Authority and compliance with the transit asset
11 management regulations of the Secretary under part 625
12 of title 49, Code of Federal Regulations (or any successor
13 regulation), to—

- 14 (1) each covered recipient;
- 15 (2) the Committee on Appropriations of the
16 Senate;
- 17 (3) the Committee on Appropriations of the
18 House of Representatives; and
- 19 (4) any other recipient that the Board deter-
20 mines appropriate.

21 **SEC. 9. CYBERSECURITY PROTECTIONS IN FUTURE ROLL-**
22 **ING STOCK PROCUREMENTS.**

23 (a) LIMITATION ON CERTAIN ROLLING STOCK PRO-
24 CUREMENTS.—

1 (1) IN GENERAL.—The Transit Authority may
2 not use financial assistance made available under
3 this Act or an amendment made by this Act in
4 awarding a contract or subcontract to an entity on
5 or after the date of enactment of this Act for the
6 procurement of rail rolling stock for use in the pub-
7 lic transportation system operated by the Transit
8 Authority if the manufacturer of the rail rolling
9 stock is owned or controlled by, is a subsidiary of,
10 or is otherwise related legally or financially to a cor-
11 poration based in a country that—

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

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

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

1 (2) EXCEPTION.—For purposes of paragraph
 2 (1), the term “otherwise related legally or finan-
 3 cially” does not include a minority relationship or in-
 4 vestment.

5 (3) INTERNATIONAL AGREEMENTS.—This sub-
 6 section shall be applied in a manner consistent with
 7 the obligations of the United States under inter-
 8 national agreements.

9 (4) CERTIFICATION FOR RAIL ROLLING
 10 STOCK.—

11 (A) IN GENERAL.—As a condition of finan-
 12 cial assistance made available to the Transit
 13 Authority in a fiscal year under this Act or an
 14 amendment made by this Act, the Transit Au-
 15 thority shall certify in that fiscal year that the
 16 Transit Authority will not award any contract
 17 or subcontract for the procurement of rail roll-
 18 ing stock for use in the public transportation
 19 system operated by the Transit Authority to a
 20 rail rolling stock manufacturer described in
 21 paragraph (1).

22 (B) SEPARATE CERTIFICATION.—The cer-
 23 tification required under this paragraph shall be
 24 in addition to any certification the Secretary es-

1 tablishes to ensure compliance with the require-
2 ments of paragraph (1).

3 (b) CYBERSECURITY CERTIFICATION FOR RAIL
4 ROLLING STOCK AND OPERATIONS.—

5 (1) CERTIFICATION.—As a condition of finan-
6 cial assistance made available to the Transit Author-
7 ity under this Act or an amendment made by this
8 Act, the Transit Authority shall certify that the
9 Transit Authority has established a process to de-
10 velop, maintain, and execute a written plan for iden-
11 tifying and reducing cybersecurity risks to the rail
12 fixed guideway public transportation system oper-
13 ated by the Transit Authority.

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

16 (A) utilize the approach described by the
17 voluntary standards and best practices devel-
18 oped under section 2(c)(15) of the National In-
19 stitute of Standards and Technology Act (15
20 U.S.C. 272(c)(15)), as applicable;

21 (B) identify hardware and software that
22 the Transit Authority determines should under-
23 go third-party testing and analysis to mitigate
24 cybersecurity risks, such as hardware or soft-

ware for rail rolling stock under proposed procurements; and

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

(3) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority of—

(A) the Secretary of Homeland Security to publish or ensure compliance with requirements or standards concerning cybersecurity for rail fixed guideway public transportation systems; or

(B) the Secretary of Transportation under section 5329 of title 49, United States Code, to address cybersecurity issues as those issues relate to the safety of rail fixed guideway public transportation systems.

SEC. 10. SENSE OF CONGRESS.

(a) PARTICIPATION BY ALTERNATE DIRECTORS.—It is the sense of Congress that Congress strongly advises the Board not to use its authority to adopt annual bylaws to willfully disregard Section 5 of Article III of the Com-

1 pact with respect to an alternate Director acting only in
2 the absence of the Director for whom he or she has been
3 appointed as an alternate.

4 (b) CONTINUED PRIORITIZATION OF SECURE TECH-
5 NOLOGICAL IMPROVEMENTS.—It is the sense of Congress
6 that the Transit Authority should—

7 (1) continue to prioritize the implementation of
8 new technological systems that include robust cyber-
9 security protections; and

10 (2) prioritize continued integration of new wire-
11 less services and emergency communications net-
12 works, while also leveraging partnerships with mobil-
13 ity services to improve the competitiveness of the
14 core business.

15 **SEC. 11. ADDITIONAL REPORTING.**

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

20 (1) assesses whether the reforms required under
21 section 5 (relating to strengthening the independ-
22 ence of the Office of Inspector General) have been
23 implemented; and

24 (2) assesses—

1 (A) whether the reforms required under
2 section 8 have been implemented; and

3 (B) the impact of those reforms on the
4 capital planning process of the Transit Author-
5 ity.

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

8 (1) the Committee on Banking, Housing, and
9 Urban Affairs of the Senate;

10 (2) the Committee on Homeland Security and
11 Governmental Affairs of the Senate;

12 (3) the Committee on Transportation and In-
13 frastructure of the House of Representatives; and

14 (4) the Committee on Oversight and Reform of
15 the House of Representatives.

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