

Congress of the United States
Washington, DC 20515

January 31, 2020

The Honorable Elaine L. Chao
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue Southeast
Washington, DC 20590

Dear Secretary Chao:

As the Chairmen and Ranking Members of the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Transportation and Infrastructure, the committees of jurisdiction for public transportation, we urge you to promptly provide information to Federal Transit Administration (FTA) grant recipients about the changes to procurement policy made by Section 7613 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020 (P.L. 116-92).

Section 7613 applies significant new restrictions on federal funding for the acquisition of rail cars and buses manufactured by Chinese state-owned and Chinese state-supported enterprises. Some of the key restrictions will not become fully effective until late 2021, but all public transportation agencies should be made aware of the new law so they can best plan rolling stock procurements. We urge you to publish information online or issue a "Dear Colleague" letter to FTA grant recipients explaining the recent statutory changes to procurement policy.

As you know, Section 7613 is based on the Transit Infrastructure Vehicle Security Act (S. 846, H.R. 2739) which has strong bipartisan congressional support with fifty-two cosponsors in the Senate and fifty-seven cosponsors in the House. In addition, the Trump Administration officially supported the inclusion of these provisions in its Statement of Administration Policy on the House NDAA issued on July 9, 2019. Further, Acting OMB Director Russell Vought's letter of September 4, 2019, to the leadership of the House and Senate Armed Services Committees again offered support for the provision and urged adoption of the more robust restrictions in the Senate NDAA bill, which are reflected in Section 7613, as enacted.

It is critical that information about the provisions of Section 7613 is clearly communicated as soon as possible to FTA grantees. Transit agencies need to understand how Section 7613 has changed the law regarding procurement policy and certain grant certifications, and FTA should provide information on these changes to grantees at the earliest opportunity to prevent any misunderstanding of the effects of the new law.

Thank you for your attention to this urgent matter.

Sincerely,



Mike Crapo
Chairman
Committee on Banking, Housing
and Urban Affairs



Sherrod Brown
Ranking Member
Committee on Banking, Housing
and Urban Affairs



Peter DeFazio
Chairman
Committee on Transportation
and Infrastructure



Sam Graves
Ranking Member
Committee on Transportation
and Infrastructure

Cc:
Acting FTA Administrator K. Jane Williams