

Congress of the United States
Washington, DC 20515

September 25, 2019

The Honorable Adam Smith
Chairman
Committee on Armed Services
2216 Rayburn House Office Building
United States House of Representatives
Washington, DC 20515

The Honorable James Inhofe
Chairman
Committee on Armed Services
228 Russell Senate Office Building
United States Senate
Washington, DC 20510

The Honorable Mac Thornberry
Ranking Member
Committee on Armed Services
2216 Rayburn House Office Building
United States House of Representatives
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Committee on Armed Services
228 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Chairman Smith, Ranking Member Thornberry, Chairman Inhofe, and Ranking Member Reed:

As you finalize the Fiscal Year 2020 National Defense Authorization Act (NDAA), we urge you to include a key provision from the Senate-passed bill that would best protect the safety and security of U.S. commuters and support domestic bus and rail car manufacturers.

Section 6015 of the Senate-passed NDAA would prevent the use of federal funds by states or localities from being used in the procurement of rail cars and buses made by an entity that is owned or subsidized by a specified class of foreign countries; as of now that limit would only apply to China. Section 896 of the House's version of NDAA has the same limit, but it only applies to rail cars. The more comprehensive Senate provision better protects against malicious foreign interference in our public transportation system and supports American job growth.

As you know, China's continuing efforts to undermine U.S. cybersecurity present evolving and complex challenges. We should not make this easier for the Chinese government by importing technology, which could be on both buses and rail cars, that make them more vulnerable to manipulation or surveillance. The ubiquity of cameras on both modern rail cars and buses means that imported equipment could provide Chinese authorities with facial recognition data of everyday Americans, made worse by the potential to link that data with personal information gained by increasingly-available public Wi-Fi during commutes.

Additionally, opportunities to disrupt traffic or endanger travelers present public safety concerns. For example, a malicious actor gaining access to operating systems through regular software

updates has the potential to cause catastrophic damage to human life, property, and the environment; this applies to both rail cars and buses. A major incident involving public transportation could have a sustained chilling effect on commuters, posing an economic threat at the regional or even national level.

Finally, China's heavily subsidized manufacturing sector puts domestic producers at a severe disadvantage. With its thumb on the scale, the Chinese government weakens the ability for domestic producers to compete. By supporting American workers making American goods, we communicate to China that it cannot play by its own set of rules without repercussions. This also helps avoid being at the mercy of a foreign adversarial competitor for key elements of our mass transit infrastructure.

As you work to develop defense priorities for the coming fiscal year with a final NDAA, we urge you to include Section 6015 of the Senate-passed NDAA so we can protect our national security and domestic manufacturing infrastructure with respect to both buses and rail cars.

Thank you for your time and consideration.

Sincerely,



Eric Swalwell
Member of Congress



Eric A. "Rick" Crawford
Member of Congress



Conor Lamb
Member of Congress



James Comer
Member of Congress



Tim Ryan
Member of Congress



Bill Flores
Member of Congress



Henry Cuellar
Member of Congress



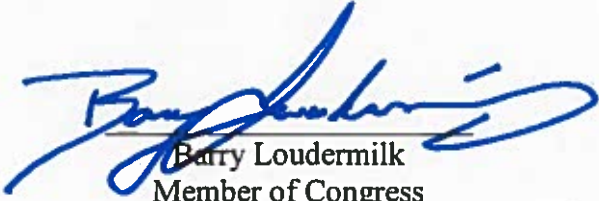
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Member of Congress



David Loebsock
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Barry Loudermilk
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Van Taylor
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Chris Stewart
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Jody B. Hice
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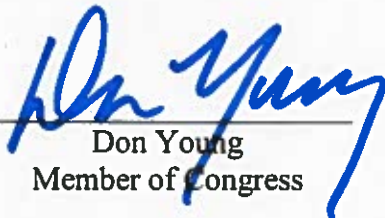
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Mike Kelly
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Bruce Westerman
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Don Young
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Louie Gohmert
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