

Congress of the United States
Washington, DC 20515

February 25, 2019

Paul J. Wiedefeld
General Manager and CEO
Washington Metropolitan Area Transit Authority
600 5th Street NW
Washington, DC 20001

Dear Mr. Wiedefeld:

As representatives of the National Capital Region, we write to raise concerns regarding the safety and security of Metro's transportation systems. As you know, critical infrastructure systems around the country have been increasingly targeted in recent years as part of coordinated hacking attempts and other forms of interference, often carried out by or at the direction of foreign governments.¹

In the transportation sector, there has been increased interest from some of these same foreign governments, acting through state-owned intermediaries, to participate in state and local procurements, including those to manufacture and assemble railcars for transit agencies around the country. While other cities have welcomed this investment, we have serious concerns about similar activity in the National Capital Region, particularly when it could involve foreign governments that have explicitly sought to undermine our country's economic competitiveness and national security.

As Metro begins its procurement process for the 8000-series railcar, we have pressing concerns regarding the steps being taken by Metro to mitigate growing cyber risks to these cars. Your Request for Proposals (RFP) issued in September lists technologies that may be incorporated into these trains, including automatic train control, network and trainline control, video surveillance, monitoring and diagnostics and data interface with Metro. These technologies are susceptible to hacking or other forms of interference that could enable intelligence gathering and espionage, service disruptions or other activities detrimental to our national security. In a Q&A document posted as part of the RFP, Metro noted that there are "no Buy America or DBE requirements for this contract," raising further questions about what protections will be in place to ensure the integrity of the trains.

Therefore, we ask that you provide answers to the following questions as you continue the bidding process:

- 1) Considering that nearly all passenger railcar manufacturers in the United States are foreign-owned, what steps is Metro taking to mitigate the involvement of foreign governments in this procurement?

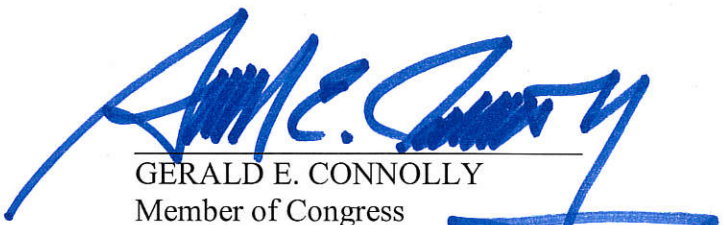
¹ See, "China's Non-Traditional Espionage Against the United States: The Threat and Potential Policy Responses," Hearing before the Senate Committee on the Judiciary, 115th Cong. (Dec. 12, 2018) (Statement of the Honorable Christopher Krebs, Director, Cybersecurity and Infrastructure Security Agency, U.S. Department of Homeland Security).

- 2) Has Metro received briefings from the United States Department of Homeland Security (DHS) and other appropriate agencies on attempts by foreign adversaries to infiltrate our critical infrastructure, including through participation in the procurement process?
- 3) Will Metro take a company's ties to foreign governments with a record of industrial and cyber espionage into account when evaluating bids, particularly if such company is a state-owned enterprise? If so, will Metro allow sensitive component parts of these railcars to be sourced from such countries?
- 4) Will Metro consult with the United States Department of Defense prior to awarding a contract to confirm whether the Department would permit railcars built by certain foreign governments to operate near Defense-owned infrastructure, including the Pentagon?
- 5) We are aware that Metro recently released an amendment to the RFP to establish baseline cybersecurity protocols. Please provide information about these protocols and how they were developed.
 - 5a. How will Metro evaluate bidder responses to the cybersecurity addendum?
 - 5b. Does the addendum include specific requirements to protect against exploitation of railcar component technologies for surveillance, espionage, acts of terrorism or other activities that undermine national security? If so, please describe these requirements.
 - 5c. Will Metro involve the United States Department of Transportation, DHS and other relevant agencies in its evaluation of responses and seek the concurrence of these agencies before making any final determination as to whether the requirements of the addendum have been satisfied?

National security should be of the utmost importance as Metro considers bids for its procurement of 8000-series railcars. We therefore request that you take all necessary steps to protect against the aforementioned concerns. We appreciate your prompt attention to this matter and ask that you respond within 30 days of the date of this letter.

Sincerely,


ELEANOR HOLMES NORTON
Member of Congress


GERALD E. CONNOLLY
Member of Congress


JAMIE RASKIN
Member of Congress


DAVID TRONE
Member of Congress



ANTHONY G. BROWN
Member of Congress