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## **H.R. 2210 – To designate the community living center of the Department of Veterans Affairs in Butler Township, Butler County, Pennsylvania as the “Sergeant Joseph George Kusick VA Community Living Center” (Rep. Kelly, R-PA)**

CONTACT: [Amanda Lincoln](#), 202-226-2076

### **FLOOR SCHEDULE:**

Expected to be considered the week of July 17 under suspension of the rules, which requires a 2/3 majority for passage.

### **TOPLINE SUMMARY:**

[H.R. 2210](#) would designate the Veterans Affairs [Community Living Center in Butler Township, PA](#) as the “Sergeant Joseph George Kusick VA Community Living Center.”

### **COST:**

No Congressional Budget Office (CBO) estimate is available at this time.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

### **CONSERVATIVE CONCERNS:**

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### **DETAILED SUMMARY AND ANALYSIS**

H.R. 2210 would designate the VA Community Living Center in Butler Township, PA as the “Sergeant Joseph George Kusick VA Community Living Center.” According to the bill’s findings, Sergeant Kusick distinguished himself through “exceptionally valorous” actions while serving in the Vietnam War. The bill findings detail that Kusick was assigned to the U.S. Army’s Command and Control Detachment of the 5<sup>th</sup> Special Forces Group (Airborne), and though seriously wounded, refused aid and radioed the forward air controller to advise him of the critical situation. While the team leader led a withdrawal to a landing zone, Kusick maintained contact with the controller and requested emergency extraction. Realizing the importance of having a radio operator on the ground to direct landings, he refused evacuation by the first

helicopter. After the second helicopter was shot down, and in the midst of enemy fire, he continued to maintain radio contact and called for a hoist extraction of the men still remaining on the ground. The last helicopter, which Kusick boarded, was shot down by intense Viet Cong fire and crashed in flames, resulting in Kusick's death. On December 22, 1967, Kusick was posthumously awarded the Silver Star Medal for gallantry in action. The citation to accompany the award of the Silver Star Medal stated that "Kusick's gallantry in action, at the cost of his life, was in keeping with the highest traditions of the military service and reflects great credit upon himself, his unit, and the United States Army".

**COMMITTEE ACTION:**

This bill was introduced by Representative Kelly (R-PA), on April 27, 2017 and referred to the House Committee on Veterans' Affairs. No further action has occurred.

**ADMINISTRATION POSITION:**

No Statement of Administration Policy is available at this time.

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8. No specific enumerating clause is identified.

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## H.J. Res. 92 – Granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to amend the Washington Area Transit Regulation Compact (Rep. Comstock, D-VA)

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### FLOOR SCHEDULE:

Expected to be considered on July 17, 2017, under a suspension of the rules, which requires 2/3 majority for passage.

### TOPLINE SUMMARY:

[H.J. Res. 92](#) would grant congressional consent for Virginia, Maryland, and Washington D.C. to amend the Washington Metropolitan Area Transit Regulation Compact as it pertains to the appointment and removal of members and alternates of the Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA) by compact signatories.

### COST:

The Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

### CONSERVATIVE CONCERNS:

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

### DETAILED SUMMARY AND ANALYSIS:

H.J. Res. 92 provides congressional consent for the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact, allowing for the WMATA to be governed by an eight-person board of directors, with two directors for each signatory, and two for the Federal government. It would further specify mechanisms for their appointment and their removal. The Secretary of the Treasury would be permitted to appoint two non-voting members to serve as alternates for the Federal Directors. The

amendments are necessary as a result of the decision made by Congress in [section 3026 of the FAST Act](#) to appoint federal directors through the Department of Transportation, rather than through the General Services Administration.

**COMMITTEE ACTION:**

H.J. Res. 92 was introduced on March 28, 2017 and was referred to the House Judiciary Committee. It was reported by voice vote on June 14, 2017.

**ADMINISTRATION POSITION:**

A Statement of Administration Policy is not yet available.

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section 10, Clause 3: "No State shall, without the Consent of Congress . . . enter into any Agreement or Compact with another State . . ."

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## **H.J. Res. 76 – Granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission (Rep. Hoyer, D-MD)**

CONTACT: [Jennifer Weinhart](#), 202-226-0706

### **FLOOR SCHEDULE:**

Expected to be considered on July 12, 2017, under a suspension of the rules, which requires 2/3 majority for passage.

### **TOPLINE SUMMARY:**

[H.J. Res. 76](#) would grant congressional approval for Virginia, Maryland, and Washington D.C. to enter into a Metrorail Safety Commission (MSC) Interstate Compact, establishing the Washington Metrorail Safety Commission. The commission would be responsible for safety oversight of the Washington Metrorail system (WMATA).

### **COST:**

The Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

### **CONSERVATIVE CONCERNS:**

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** It authorizes a compact between Virginia, Maryland, and the District of Columbia, conferring certain safety requirements as they pertain to the metrorail.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### **DETAILED SUMMARY AND ANALYSIS:**

H.J. Res. 76 would establish the Washington Metrorail Safety Commission, to serve as safety oversight authority for the WMATA rail system, requiring the commission to create a state safety oversight program

standard, to review the WMATA safety plan and any corrective action plans, and to meet other federal, state, and local requirements.

The commission would be financially and legally independent from WMATA and would be governed by a board of directors. Members would be required to have backgrounds pertinent to transportation and transit safety. The commission's purpose includes safety oversight powers, which could include conducting inspections and investigations of the rail system, compelling compliance with corrective action plans, directing WMATA to prioritize spending on safety needs, and other relevant actions. The commission could sue and be sued, create and abolish offices and positions, and adopt, amend, and repeal regulations.

The commission would be required to publish an annual safety report, deliverable to the administrator of the Federal Transit Commission, the Governors of Virginia and Maryland, the Mayor of D.C., the Chairman of the Council of D.C., the President of the Maryland Senate and the Speaker of the Maryland House, and the President of the Virginia Senate and the Speaker of the Virginia House, and the WMATA General Manager and each WMATA board member. The commission would also be required to publish a report on its programs, operations, and finances and would be required to conduct an annual independent audit.

The commission would be financed independently from WMATA by the 3 jurisdictions involved, and when available, by federal funds. The jurisdictions would be required to make appropriations for the funds not covered by federal funds. The commission could borrow up to 5% of its annual appropriations budget in anticipation of receipts. The financial commitment from the District of Columbia must be approved by Congress per the [District of Columbia Home Rule Act](#). Nothing would create an obligation of the District in anticipation of appropriations, pursuant to federal law. No liability for D.C. would arise without lawful appropriation of funds.

The commission would enjoy tax exemption. The United States District Court for the Eastern District of Virginia, Alexandria Division, the United States District Court for the District of Maryland, Southern Division, and the United States District Court for the District of Columbia would have exclusive and original jurisdiction over any actions brought by or against the commission.

The commission and its members would not be liable for suit or actions for damages or injuries resulting from actions taken within the scope of employment, with an exception for intentional or willful misconduct. The commission would be liable for its contracts and torts and those of its members, officers, and agents. Signatories would be permitted to withdraw from the compact.

### **COMMITTEE ACTION:**

H.J. Res. 76 was introduced on February 16, 2017 and was referred to the House Judiciary Committee. It was reported by voice vote on June 14, 2017.

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not yet available.

### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: U.S. Constitution, Article I, Section 10.

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