

1 NATIONAL CAPITOL CONTRACTING
2 RPTS AVERETT
3 HJU165000

4 MARKUP OF H.J. RES. 76 and H.J. RES. 92
5 Wednesday, June 14, 2017
6 House of Representatives,
7 Committee on the Judiciary,
8 Washington, D.C.

9 The committee met, pursuant to call, at 10:00 a.m., in
10 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
11 [chairman of the committee] presiding.

12 Present: Representatives Goodlatte, Sensenbrenner,
13 King, Gohmert, Jordan, Poe, Chaffetz, Marino, Gowdy,
14 Ratcliffe, Gaetz, Biggs, Rutherford, Conyers, Nadler,
15 Jackson Lee, Cicilline, Lieu, Raskin, and Schneider.

16 Staff Present: Shelley Husband, Staff Director; Branden
17 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian
18 and General Counsel; Andrea Loving, Deputy Chief Counsel,
19 Subcommittee on Immigration and Border Security; Joe Edlow,
20 Counsel, Subcommittee on Immigration and Border Security;

21 Daniel Flores, Counsel, Subcommittee on Regulatory Reform,
22 Commercial and Antitrust Law; Alley Adcock, Clerk; Perry
23 Apfelbaum, Minority Chief Counsel and Staff Director;
24 Danielle Brown, Minority Deputy Chief Counsel; Susan Jensen,
25 Minority Senior Counsel; Slade Bond, Chief Minority Counsel,
26 RRCAL Subcommittee; and Matthew Morgan, Minority Counsel.

27 Chairman Goodlatte. Good afternoon. The Judiciary

28 Committee will come to order, and without objection, the
29 chair is authorized to declare a recess at any time.
30 Obviously, this is a stunning, shocking day for all of us,
31 and I think that one thing that the chief deputy whip would
32 want us to be doing would be to make sure that this
33 institution continues to function, but I do want to express
34 my gratitude to him and to the United States Capitol Police.
35 His security detail was very heroic this morning. So I want
36 to particularly acknowledge Officers Bailey and Greiner who
37 were wounded in attacking, going forward to take this
38 shooter out, and I have no doubt that they saved many, many
39 lives in doing so.

40 This is a good time, also, to reflect on the need for,
41 as the ranking member often says, when we have our
42 contentious debates, both here and outside, and a reminder
43 to people who are not members of Congress, but have
44 strongly-held views on the issues of the day, that we can
45 disagree without being disagreeable.

46 Mr. Conyers. Absolutely. Amen.

47 Chairman Goodlatte. I know, from many years working
48 with the former chairman, that that is the best approach to
49 resolving our differences.

50 So, without objection, I would ask that the members of
51 the committee join in a moment of silence to reflect and
52 pray for the victims of this assault.

53 Thank you, and now, I recognize the gentleman from
54 Michigan, and then after that, I will introduce our new
55 member.

56 Mr. Conyers. Thank you, Mr. Chairman. I would like
57 to, as with all our colleagues, join with you in the
58 sentiments that you just expressed. My thoughts and prayers
59 are with those who were victims of the shooting this morning
60 in Alexandria, Virginia. Our entire congressional family,
61 and it is one, is outraged at this act of violence against
62 our members, staff, and first responders, including our
63 brave Capitol Police officers, and I offer my full support
64 to Representative Scalise and all of those affected, now and
65 in the coming days.

66 The attack we saw this morning is an attack on all of
67 us and our very system of government. We need to do
68 everything within our power to prevent any such violence
69 from occurring in the future. I thank the gentleman.

70 Chairman Goodlatte. I thank the gentleman, and I would
71 like to take the opportunity now to introduce our new Member
72 of the Judiciary Committee. Congressman John Rutherford
73 joins the committee from the Fourth District of Florida. As
74 a former law enforcement officer and sheriff of Duval
75 County, his expertise on our criminal justice system makes
76 him particularly well-suited to serve on the Judiciary
77 Committee.

78 While serving as sheriff, he used a model of
79 intelligence-led and community-based policing to
80 dramatically improve neighborhoods and prevent crime
81 throughout his community, cutting violent crime in
82 Jacksonville to a 40-year low. I hope you will all join me
83 in welcoming to the Judiciary Committee.

84 And I again yield to the ranking member, if you want to
85 say anything about him.

86 Mr. Conyers. I just want him to know that all of us
87 are welcoming you. It is a great committee. I have been on
88 it several decades and have never regretted it. So, welcome
89 aboard.

90 Chairman Goodlatte. No one knows that better than the
91 ranking member. Pursuant to notice, I now call up H.J. Res.
92 76 for purposes of markup and move that the committee report
93 the resolution favorably to the House. The clerk will
94 report the resolution.

95 Ms. Adcock. H.J. Res. 76: granting the consent and
96 approval of Congress for the Commonwealth of Virginia, the
97 State of Maryland, and the District of Colombia to enter
98 into a compact relating to the establishment of the
99 Washington Metro Rail Safety Commission.

100 [The bill follows:]

101 ***** INSERT 1 *****

103 is considered as read and open for amendment at any time,
104 and I will begin by recognizing myself for an opening
105 statement.

106 House Joint Resolution 76 grants Congress' approval to
107 the Metro Rail Safety Commission Interstate Compact, an
108 interstate compact entered into recently by the Commonwealth
109 of Virginia, the State of Maryland, and the District of
110 Columbia. The safety record of the D.C.-area Metro Rail
111 system and other public transit systems in our country has
112 been a matter of increasing concern for some time.

113 To better address public transit safety needs,
114 including Metro Rails, Congress included, in the Moving
115 Ahead for Progress in the 21st Century Act and the Fixing
116 America's Surface Transportation Act, provisions
117 strengthening the Federal transit administration safety
118 oversight authority and related safety requirements for
119 public transit systems.

120 Pursuant to these acts, and through the Metro Rail
121 Safety Commission Interstate Compact, Virginia, Maryland,
122 and the District of Columbia have committed to establish a
123 new Washington Metro Rail Safety Commission to act as the
124 safety oversight authority for the Metro Rail system. The
125 Transportation and Infrastructure Committee has informed us
126 that the compact's provisions satisfy the requirements of
127 the relevant Federal statutes.

128 The jurisdictions completed, in March 2007, their
129 adoption by legislation of their respective compact
130 instruments. In the interim, however, due to delays in the
131 adoption of the instruments, the FDA invoked, on February 9,
132 2017, authority to suspend the distribution of transit funds
133 to the jurisdictions until the new safety Commission is
134 established. By passage of House Joint Resolution 76, we
135 can hasten the day by which Metro Rail safety will be
136 improved, and funds obligated for other impacted transit
137 systems in the compact jurisdictions can be made available
138 for release. I urge all members to support the resolution.

139 [The prepared statement of Chairman Goodlatte follows:]

140 ***** COMMITTEE INSERT *****

141 Mr. Conyers. Mr. Chairman?

142 Chairman Goodlatte. And now I recognize the ranking
143 member for his opening statement.

144 Mr. Conyers. Thank you. I rise in support of this
145 measure, a bipartisan one, for several reasons. H.J. Res.
146 76 would grant the consent and approval of Congress for
147 Virginia, Maryland, and the District of Columbia to enter
148 into a compact establishing the Washington Metro Rail Safety
149 Commission. I support this bipartisan measure because, most
150 importantly, this Commission will help improve the safety of
151 the Washington Metropolitan Area Transit Authority, which
152 provides transportation services for millions of people each
153 year. Unfortunately, there have been a series of serious
154 safety violations at the authority, some of which have
155 tragically led to deaths and injuries.

156 Even though such dangerous conditions are obviously
157 inexcusable, they, nevertheless, have persisted for many
158 years. In response to these critical concerns, the District
159 of Columbia, together with the states of Virginia and
160 Maryland, have passed legislation agreeing to enter into an
161 interstate compact, establishing an oversight commission
162 dedicated to improving the safety of the authority.

163 Clearly, this undertaking will help ensure that the
164 associations, passengers and workers, as well as many
165 communities that WMATA serves have a safe, efficient, and
166 reliable mass transit system. In addition, House Joint

167 Resolution 76 warrants our support because it implements
168 Congress' 2015 directive to the States to establish legal
169 and financially-independent State oversight authorities
170 responsible for the safety of fixed rail transit facilities
171 within their respective jurisdiction. By granting our
172 consent and approval of the interstate compact to be
173 established, pursuant to this resolution, we are fulfilling
174 our responsibility to help ensure the safety of our Nation's
175 rail system.

176 Finally, prompt consideration of H.J. Res. 76 is
177 imperative. When Congress issued its 2015 directive, it did
178 so with strings attached. A State's failure to comply with
179 this directive would result in a suspension of Federal rail
180 transit funding. Accordingly, the Transportation
181 Department's Federal transportation authority suspended its
182 distribution of Federal transit funds to the District of
183 Colombia, Maryland, and Virginia until the new safety
184 Commission was established.

185 Thus, every day that goes by without action on this
186 resolution is another day that these jurisdictions are
187 deprived of critical funding, and I think that is important.
188 So I encourage all of my colleagues on this committee to
189 join me in supporting swift passage of H.J. Res. 76. I
190 thank the chairman, and yield back the balance of any time.

191 [The prepared statement of Mr. Conyers follows:]

192 ***** COMMITTEE INSERT *****

193 Chairman Goodlatte. The chair thanks the gentleman and

194 recognizes himself for purposes of offering an amendment.

195 The clerk will report the amendment.

196 Ms. Adcock. Amendment to H.J. Res. 76 offered by Mr.

197 Goodlatte of Virginia. Page 2 --

198 [The amendment of Chairman Goodlatte follows:]

199 ***** COMMITTEE INSERT *****

200 Chairman Goodlatte. Without objection, the amendment

201 will be considered as read, and I will now recognize myself
202 to explain the amendment.

203 I have a manager's amendment at the desk. As a
204 protective matter, resolutions that approve interstate
205 compacts and compact amendments regularly contain several
206 standard clauses. These clauses set forth, respectively,
207 Congress' right to alter, amend, or repeal the resolution;
208 instructions regarding construction and severability of the
209 compacts or amendment's provisions; a rule that the compacts
210 or amendment's validity shall not be affected by
211 insubstantial differences in the language adopted by the
212 respective compacting jurisdictions; and an effective date
213 for the resolution.

214 House Joint Resolution 76 does not yet include these
215 clauses. Out of an abundance of caution, and for the
216 benefit of Congress and the compacting jurisdictions, the
217 Manager's Amendment adds these clauses to the resolution. I
218 urge my colleagues to support the amendment.

219 Mr. Conyers. Mr. Chairman?

220 Chairman Goodlatte. And I reserve the balance of my
221 time and recognize the gentleman from Michigan.

222 Mr. Conyers. Thank you. I am pleased to support the
223 chairman's amendment, which simply adds certain standard
224 clauses, typically used for interstate compact consent
225 resolutions. Specifically, these provisions set forth

226 Congress' authority to alter, amend, or repeal the
227 resolution; provide for a liberal rule of construction and
228 severability; describe terms for resolving inconsistencies
229 among the instruments by which the jurisdictions entered the
230 compact; and, finally, specify the resolution's effective
231 date.

232 These additional clauses are similar to those utilized
233 in a prior resolution, which granted Congress' consent to
234 certain amendments to a compact, a WMATA compact, approved
235 in the 111th Congress. Accordingly, I urge my colleagues to
236 support the amendment, and, Mr. Chairman, I yield back the
237 balance of the time. Thank you.

238 Chairman Goodlatte. For what purpose does the
239 gentleman from Maryland seek recognition?

240 Mr. Raskin. Move to strike the last word, Mr.
241 Chairman.

242 Chairman Goodlatte. The gentleman is recognized for 5
243 minutes.

244 Mr. Raskin. Thank you very much Mr. Chairman. I rise
245 in strong support of H.J. Res. 76, which grants
246 congressional consent and approval to Maryland, Virginia,
247 and the District of Columbia to enter into a compact
248 establishing the Metro Safety Commission, and I want to
249 thank the distinguished my minority whip, Steny Hoyer, for
250 leading us on this measure and all of my colleagues in the

251 Maryland, Virginia, and D.C. delegations for supporting it
252 in a strong, bipartisan fashion. I am proud to join them.

253 Mr. Chairman, I just wanted to take a moment to say a
254 word about the Metro System, because I know that different
255 members of this committee are either more or less familiar
256 with the Metro System. It was built throughout the 1960s
257 and early '70s. It was finally completed in 1976 when I was
258 a freshman in high school, and living here, I can tell you,
259 it had a tremendous, transformative effect on the whole
260 region, and it was really the jewel of the Washington area.

261 And I hope that every member will just take a moment to
262 reflect upon the way in which our Metro System is so
263 critical to the functioning of the Federal Government and,
264 therefore, the functioning of the United States. The Metro
265 System moves around half of the Federal workforce every day,
266 to and from work, including, I daresay, probably half or
267 more of the people who work in our offices. It is essential
268 to national security. If we did not have the Metro System,
269 what is already one of the two or three worst traffic-ridden
270 regions in the country would be, really, completely
271 hamstrung by traffic.

272 But it is also the way that millions of Americans who
273 come from all over America, all of our constituents, come
274 and move around the Capitol region and get to go to see the
275 White House and the Capitol and explore the museums and go

276 see the Pentagon and go see NIH, and so on.

277 The Metro is critical, not just to the people who live
278 and work here and make the Federal Government go, but also
279 to all American citizens who rely on the efficiency of the
280 Federal Government and come and see and partake and petition
281 for redress of grievances to their government.

282 So I think it is something that is essential for all of
283 us. I am thrilled that this legislation, responding to the
284 crying safety needs of the system, is moving forward now.
285 It is essential that we continue to invest in it. You know,
286 the Federal Government was instrumental in the creation of
287 Metro at the beginning, along with Virginia, Maryland, and
288 the District of Columbia. We send representatives to the
289 board of Metro, so we are an equal partner in it, and I just
290 want to make sure all of us feel as deeply invested in the
291 success of Metro as the founding generation did that created
292 it way back when.

293 The jurisdictions that are part of it, Maryland, D.C.,
294 and Virginia, are all stepping up to the plate to work on
295 the safety issues, and I am glad that Congress is prepared
296 to do so with the passage of H.J. Resolution 76. And, with
297 that, Mr. Chairman, I yield back the remainder of my time.

298 Ms. Jackson Lee. Mr. Chairman?

299 Chairman Goodlatte. The chair thanks the gentleman
300 from Maryland.

301 For what purpose does the gentlewoman from Texas seek
302 recognition?

303 Ms. Jackson Lee. I rise to strike the last word.

304 Chairman Goodlatte. The gentlewoman is recognized for
305 5 minutes.

306 Ms. Jackson Lee. Thank you, Mr. Chairman. I wanted to
307 indicate to my colleagues that I was delayed in some
308 meetings dealing with the incident this morning, but I am
309 not sure if a quorum has been made, and I hope that I will
310 add to making a quorum. But what I do want to do is rise to
311 support both H.J. Res. 76 and H.J. Res. 92, which I know has
312 not been called up. I think the meritorious arguments that
313 my colleague from Maryland has made are very convincing.

314 At the same time, I want to personally, on the record
315 of the Judiciary Committee as the ranking member on the
316 Crime Subcommittee, offer my greatest appreciation to the
317 Capitol Police. As the details have unfolded, there is no
318 doubt that lives were saved and a massive, horrific incident
319 was avoided by the actions of the two officers who
320 aggressively went after the perpetrator. They were wounded,
321 but, obviously, our dear friend and colleague, my neighbor
322 in Louisiana, was wounded and heroics of a number of members
323 who were there, who came to his aid, the staff and volunteer
324 that was injured: all should be in our thoughts and prayers.

325 And I thank the chairman and the ranking member for

326 allowing us to not proceed with some of the other
327 legislative initiatives, at least on this day, and I hope
328 that all of us will realize a responsibility that we have in
329 healing the Nation. There is nothing wrong with discourse.
330 I do not think that we should punish ourselves for
331 Democratic discourse that sometimes gets a little strong,
332 but the glory of this country is that we can speak in a
333 Democratic way and not have it end in violence. But we know
334 that we have responsibilities to those hurting constituents,
335 for those who decide that that is the way they want to act,
336 for whatever the motive will ultimately be determined of
337 this individual.

338 And so I would hope that this committee that is known
339 for its vigor will be able to talk, maybe not today, but to
340 assess security as relates to members and their offices
341 because sometimes we do ourselves a disservice. We are
342 nothing but humble servants. Sometimes we put ourselves
343 less than that, and we do not think of our families and
344 staff that are in different offices across this country.

345 So I am hoping, Mr. Chairman, that we will be able to
346 discuss, in the appropriate jurisdictional manner: there are
347 a number of committees; a number of leadership are going to
348 be thinking about these issues, but how do we secure our
349 staff and offices and, at least, that we will interject into
350 that discussion. I think it is important, and I also think

351 it is important that we have the opportunity to discuss some
352 other issues that we seem to be fearful of: is that, who has
353 weapons and who does not?

354 I do not choose to discuss that today. I just choose
355 just to continue to pray for those who have been wounded and
356 those who have been impacted by this tragedy and pray for
357 the Nation, and let this be a day of reflection.

358 So, Mr. Chairman, I support the underlying two bills,
359 and the first one is up. The second is not and, hopefully,
360 that the quorum continues or at least it has been
361 established, in case I have to depart. I wanted to put that
362 on the record for some other meetings that are being called
363 on this very issue. With that, I yield back.

364 Chairman Goodlatte. The chair thanks the gentlewoman.
365 A question occurs on the amendment offered by the chairman.

366 All those in favor, respond by saying aye.

367 Those opposed, no.

368 The ayes have it, and the amendment is agreed to.

369 Are there any other amendments to House Joint
370 Resolution 76?

371 A reporting quorum being present, the question is on
372 the motion to report the House Joint Resolution 76, as
373 amended, favorably to the House.

374 Those in favor will say aye.

375 Those opposed, no.

376 The ayes have it, and the resolution is ordered
377 reported favorably. Members will have 2 days to submit
378 views, and, without objection, the resolution will be
379 reported as a single amendment in the nature of a
380 substitute, incorporating all adopted amendments, and the
381 staff is authorized to make technical and conforming
382 changes.

383 Pursuant to notice, I now call up House Joint
384 Resolution 92 for purposes of markup and move that the
385 committee report the resolution favorably to the House. The
386 clerk will report the resolution.

387 Ms. Adcock. H.J. Res. 92: granting the consent and
388 approval of Congress for the Commonwealth of Virginia, the
389 State of Maryland, and the District of Columbia to amend the
390 Washington Area Transit Regulation Compact.

391 [The bill follows:]

392 ***** INSERT 2 *****

393 Chairman Goodlatte. Without objection, the resolution

394 is considered as read and open for amendment at any time,
395 and I will begin by recognizing myself for an opening
396 statement.

397 Like the resolution just considered, House Joint
398 Resolution 92 concerns the Washington Area Transit System.
399 The resolution makes needed administrative amendments to the
400 long-standing Washington Metropolitan Area Transit
401 Regulation Compact. These amendments are required under
402 section 3026 of the Fixing America's Surface Transportation
403 Act. That section transferred, from the administrator of
404 general services to the secretary of transportation, sole
405 authority to appoint Federal directors to the Washington
406 Metropolitan Area Transit Authority's board of directors.

407 It further required Virginia, Maryland, and the
408 District of Columbia to adopt any necessary, conforming
409 amendments to the Washington Area Transit Regulation
410 Compact. The jurisdictions adopted amendments, as required,
411 and the Transportation and Infrastructure Committee informs
412 us that these amendments satisfy the demands of section
413 3026.

414 House Joint Resolution 92, accordingly, grants Congress
415 approval to the amendments. I want to thank the gentlewoman
416 from Virginia, Ms. Comstock, for this resolution, and the
417 gentleman from Maryland, Mr. Hoyer, the minority leader for
418 the previous resolution. I urge all members to support this

419 resolution and reserve and recognize the gentleman from
420 Michigan for his opening statement.

421 [The prepared statement of Chairman Goodlatte follows:]

422 ***** COMMITTEE INSERT *****

423 Mr. Conyers. Thank you, Mr. Chairman. Members, House

424 Joint Resolution 92 would grant Congress' consent to certain
425 amendments of the Washington Metropolitan Area Transit
426 Regulation Compact Authority, pursuant to legislation
427 enacted by both the District of Colombia, Maryland, and
428 Virginia.

429 These amendments were, in turn, prompted by Congress
430 under the Fixing America's Surface Transportation Act of
431 2015. This act provided sole authority to the secretary of
432 transportation to appoint Federal directors to the board of
433 directors of the Washington Metropolitan Area Transit
434 Regulation Compact.

435 House Joint Resolution 92 is a bipartisan measure,
436 cosponsored by all of the congressional members representing
437 jurisdictions effected by the Metro Rail system. I support
438 this common-sense measure. I thank the chairman for
439 facilitating its consideration today, and I yield back the
440 balance of my time.

441 [The prepared statement of Mr. Conyers follows:]

442 ***** COMMITTEE INSERT *****

443 Chairman Goodlatte. The chair thanks the gentlemen.

444 Are there any amendments to H.J. Res. 92?

445 A reporting quorum being present, the question is on
446 the motion to report House Joint Resolution 92 favorably to
447 the House.

448 Those in favor, respond by saying aye.

449 Those opposed, no.

450 The ayes have it. The resolution is ordered reported
451 favorably. Members will have 2 days to submit views, and
452 that concludes our business for the day. We thank all the
453 members for attending, and the markup is adjourned.

454 [Whereupon, at 1:50 p.m., the committee was adjourned.]