

Calendar No. 304

114TH CONGRESS }
1st Session }

SENATE

{ REPORT
114-170

APPOINTMENT OF FEDERAL DIRECTORS
TO THE BOARD OF DIRECTORS OF THE
WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2093

TO PROVIDE THAT THE SECRETARY OF TRANSPORTATION SHALL
HAVE SOLE AUTHORITY TO APPOINT FEDERAL DIRECTORS TO
THE BOARD OF DIRECTORS OF THE WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY



NOVEMBER 30, 2015.—Ordered to be printed

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Mr. JOHNSON, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2093]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2093), to provide that the Secretary of Transportation shall have sole authority to appoint Federal Directors of the Washington Metropolitan Area Transit Authority, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

S. 2093 seeks to provide the Secretary of Transportation the authority to appoint the Federal directors to the board of directors of the Washington Metropolitan Area Transit Authority (WMATA). Under current law, the Administrator of the General Services Administration (GSA) has the authority to appoint Federal directors.¹ This bill would transfer that authority to the Secretary of the Department of Transportation (DOT).

¹Pub. L. No. 110-432.

II. BACKGROUND AND THE NEED FOR LEGISLATION

WMATA is the principal public transportation method for many people throughout Washington, D.C., Maryland, and Virginia. The WMATA board of directors “furthers the mission of the Washington Metropolitan Area Transit Authority (WMATA) to operate and maintain a safe, reliable and effective transit system that enhances mobility, improves the quality of life, and stimulates economic development in the Washington metropolitan area.”² Arguably one of the most important roles of the board of directors is hiring the general manager.³

The WMATA board of directors consists of representatives from Maryland, Virginia, Washington, D.C., and the Federal Government; each appoints two voting and two alternate directors.⁴

In 2008, Congress gave authority to the Administrator of GSA to appoint the Federal directors.⁵ However the agency does not have any inherent transportation mandate or the expertise in transportation that would make it the appropriate agency to select the board members.⁶

This legislation would remove the appointing authority for GSA and give it to the Secretary of the DOT, an agency with emphasis and expertise in transportation.

III. LEGISLATIVE HISTORY

S. 2093, a bill “To provide that the Secretary of Transportation shall have sole authority to appoint Federal Directors to the Board of Directors of the Washington Metropolitan Area Transit Authority”, was introduced September 29, 2015, by Senator Barbara Mikulski (D–MD). Senators Benjamin Cardin (D–MD), Tim Kaine (D–VA), and Mark Warner (D–VA) are original cosponsors. The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 2093 at a business meeting on October 7, 2015. The Committee ordered the bill reported favorably without amendment by voice vote *en bloc*. Senators present for the vote on the bill were Senators Johnson, Portman, Lankford, Enzi, Ernst, Sasse, Carper, McCaskill, Baldwin, Heitkamp, and Booker.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Appointment of Directors of the Washington Metropolitan Area Transit Authority

This section establishes the definitions for the terms “compact”, “Federal Director”, and “Transit Authority”.

Additionally, this section states that for any appointments made after the enactment of this bill, the Secretary of the Department of Transportation shall have the authority to appoint the Federal Directors to WMATA’s Board of Directors.

²The Bylaws of the Washington Metropolitan Area Transit Authority Board of Directors http://www.umata.com/about_metro/docs/Bylaws.pdf (last accessed Nov. 19, 2015).

³*Id.*

⁴Washington Metropolitan Area Transit Authority, *Board of Directors*, http://www.umata.com/about_metro/board_of_directors/ (last accessed Nov. 19, 2015).

⁵Pub. L. No. 110–432.

⁶Discussions between GSA and Committee Staff (Oct. 2015); *see generally*, General Services Administration, *Welcome*, <http://www.gsa.gov/thisisgsa/#/welcome> (last accessed Nov. 18, 2015).

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

OCTOBER 20, 2015.

Hon. RON JOHNSON,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2093, a bill to provide that the Secretary of Transportation shall have sole authority to appoint Federal Directors to the Board of Directors of the Washington Metropolitan Area Transit Authority.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

KEITH HALL.

Enclosure.

S. 2093—A bill to provide that the Secretary of Transportation shall have sole authority to appoint Federal Directors to the Board of Directors of the Washington Metropolitan Transit Authority

S. 2093 would transfer the authority to appoint members to represent the federal government on the Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA) from the General Services Administration to the Department of Transportation. Under current law and the WMATA compact, the federal government appoints two directors and two alternate members. Because there would be no additional requirements on the federal government CBO estimates that enacting the bill would have no net effect on the federal budget.

Enacting S. 2093 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 2093 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year period beginning in 2026.

S. 2093 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by H. Samuel Pappenfuss, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Because this legislation would not repeal or amend any provision of current law, it would make no changes in existing law within the

meaning of clauses (a) and (b) of paragraph 12 of rule XXVI of the Standing Rules of the Senate.

