

FLOOR SCHEDULE FOR WEDNESDAY, NOVEMBER 8, 2017

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes"	1:30 – 2:30 p.m.	4:30 – 5:30 p.m.

H.Res. 609 – Rule providing for consideration of H.R. 2201 – Micro Offering Safe Harbor Act (Rep. Emmer – Financial Services) (One hour of debate). The Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Financial Services. The Rule provides for consideration of 4 amendments, each debatable for 10 minutes, equally controlled by the proponent and opponent of the amendment. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation. **Members are urged to VOTE NO.**

Complete Consideration of H.R. 3043 – Hydropower Policy Modernization Act of 2017 (Rep. McMorris Rodgers – Energy and Commerce) (One hour of debate). This bill seeks to reform the hydro licensing process, but does so in a partisan, unworkable way. The bill also undermines the Clean Water Act and Endangered Species Act protections, while also limiting public participation in the licensing process. The bill undermines state and tribal rights to manage water and protect water quality.

H.R. 3043 designates the Federal Energy Regulatory Commission (FERC) as the lead agency to coordinate the licensing process. Under this legislation, FERC is granted new authority to set deadlines for decisions by federal agencies, states, and tribes administering other applicable laws and limit deadline extensions to a ninety day period, regardless of the complexities of the license being evaluated. This gives FERC undue influence over the ability of states and tribes to obtain information via studies required to issue water quality certifications under the Clean Water Act. Both of these provisions allow FERC to overreach and conflict with states’ rights to manage water quality and quantity. This bill also would grant FERC significant power in that it requires hearings that address issues related to mandatory conditions imposed by federal agencies to be conducted by a single FERC Administrative Law Judge (ALJ) rather than ALJs at the resource agency with the requisite legal expertise to render decisions on conditions open to challenge.

Although this bill supposedly improves and streamlines the hydro licensing process, in reality it opens the door for protracted litigation due to the language allowing license applicants and other stakeholders multiple new opportunities to challenge a mandatory resource protection condition or prescription by a resource agency, such as the National Oceanic and Atmospheric Administration (NOAA), Environmental Protection Agency (EPA), and others.

H.R. 3403 also contains a dangerous provision that requires federal resource agencies to not only consider their respective missions to protect clean water or species from going extinct, but also to require them to give equal consideration to energy supply, navigation, flood control, and air quality. This significantly undermines the ability of these resource agencies to protect natural and cultural resources and contradicts their mandates under existing federal environmental laws (Clean Water Act, Endangered Species Act, etc).

Another provision in this bill takes away the authority of regional offices of the Departments of Agriculture, Commerce, and Interior by preventing the Secretaries of those respective agencies from delegating authority to them. Current practice has those regional offices doing much of the work to review hydropower licenses and to develop proposed conditions for those licenses.

The Rule, which was adopted yesterday, provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Energy and Commerce. The Rule makes in order four amendments, and those amendments are:

Reps. Pocan/Grothman Amendment. Requires the U.S. Department of Interior consider the threat of invasive species when it makes decisions on hydropower licensing.

Rep. Babin Amendment. Allows FERC to examine the licenses of any project located in an area that was declared by the President to be a disaster area in 2017.

Rep. Jenkins (WV) Amendment. Ensures that when hydro projects have an existing Memorandum of Understanding for non-federal hydropower with FERC that all relevant federal agencies are authorized to fully study and review the potential expansion of non-federal

hydropower, including a review of seasonal pool levels and slowing flood releases.

Rep. Rush Amendment. Substitute Amendment. Adds a new section to the Federal Power Act (FPA) to improve the hydropower licensing process. It directs the Commission and the Federal resource agencies to convene a negotiated rulemaking within 90 days of enactment with state and local government representatives, Indian tribes, and stakeholders to develop a process that will coordinate all necessary Federal authorizations and enable the Commission to make a final decision on a license not later than 3 years after receiving a completed license application.

Bill Text for H.R. 3043:

[PDF Version](#)

Background for H.R. 3043:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

Postponed Suspensions (2 bills)

1. [H.R. 4173](#) – Veterans Crisis Line Study Act of 2017, as amended (Rep. Banks – Veterans' Affairs)
2. [H.R. 3705](#) – Veterans Fair Debt Notice Act of 2017, as amended (Rep. Pingree – Veterans' Affairs)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Thursday, November 8: The House will meet at 9:00 a.m. for legislative business. The House is expected to complete consideration of H.R. 2201 – Micro Offering Safe Harbor Act (Rep. Emmer – Financial Services).

The Daily Quote

"Fresh criticisms of the GOP tax bill emerged Tuesday from centrist and conservative Republicans following reports that the legislation would hike taxes on the middle class, as well as some wealthy Americans. Conservative Sen. Ted Cruz (R-Texas) called raising taxes on people in high-tax, Democratic states like New York and California 'a mistake' — a concern shared by Rep. Darrell Issa (R-Calif.), who became the first Golden State Republican to reject the current House bill. 'The way it's being structured, it's unfair to California,' Issa said just off the House floor. 'In its current form, it clearly raises taxes on some people, including in my state...' GOP leaders are scrambling to wrap up support for their tax-code overhaul, a long-held aspiration of Speaker Paul Ryan (R-Wis.), who is also under considerable pressure to secure a legislative victory for President Trump after the failure of ObamaCare repeal earlier in the year."

- The Hill, 11/7/2017