

FLOOR SCHEDULE FOR WEDNESDAY, MAY 25, 2016

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.	???

*****MEMBERS ARE ADVISED THAT CLOSE VOTES ARE POSSIBLE THIS WEEK. ANY EXPECTED ABSENCES SHOULD BE REPORTED TO THE WHIP’S OFFICE AT x5-3130.**

[H.Res. 744](#) – Rule providing for consideration of both the House Amendment to S. 2012 – Energy Policy Modernization Act of 2016 (Sen. Murkowski – Energy and Commerce/Natural Resources) and H.R. 5233 – Clarifying Congressional Intent in Providing for D.C. Home Rule Act of 2016 (Rep. Meadows – Oversight and Government Reform) (One hour of debate). The Rules Committee has recommended one Rule which would provide for consideration of two bills.

For the House Amendment to S. 2012, the Rules Committee has recommended a closed Rule that provides for one hour of general debate, with 30 minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Energy and Commerce and 30 minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Natural Resources. The Rule allows one motion to commit, with or without instructions, and waives all points of order against the legislation.

For H.R. 5233, the Rules Committee has recommended a closed Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Oversight and Government Reform. The Rule allows one motion to recommit and waives all points of order against the legislation.

The Rules Committee rejected a motion by Mr. McGovern of Massachusetts to consider H.R. 5233 under an open rule and provide an open process for consideration of S. 2012. **Members are urged to VOTE NO.**

House Amendment to [S. 2012](#) – Energy Policy Modernization Act of 2016 (Sen. Murkowski – Energy and Commerce/Natural Resources) (One hour of debate). The House Amendment is a compilation of thirty-six bills previously passed by the House, twenty-seven bills are from the Natural Resources Committee, eight are from the Energy and Commerce Committee, and it includes energy research provisions of the Republican COMPETES Act reauthorization from the Science Committee. Many of the bills incorporated in the House Amendment contain controversial provisions that House Democrats have voted to oppose and the White House has indicated would cause the President to veto them.

The House Amendment contains the text of a controversial bill aimed at addressing the California Water Crisis, **[H.R. 2898](#) – Western Water and American Food Security Act** (Rep. Valadao – Natural Resources/Agriculture). That vote can be found [here](#). H.R. 2898 modifies the current water allocation practices intended to increase the availability of water to farmers and communities in California’s drought-stricken Central Valley. It calls for the redistribution of limited water supplies to large industrial farming operations in Central and Southern California, which could impact the West Coast salmon fishery. H.R. 2898 would make changes to the Water Supply Permitting Act by creating a permitting office run by the Bureau of Reclamation to streamline the process for the construction of expanded surface water storage, while weakening the environmental review process. Under current law, the environmental impacts of projects funded with federal dollars must be fully analyzed, including requiring that other financial and environmentally feasible alternatives are reviewed. Lastly, H.R. 2898 would supersede state law by elevating the water rights for certain agricultural contractors over existing water rights that benefit refuges and wildlife areas.

The House Amendment also contains text of another controversial bill, **[H.R. 1937](#) – National Strategic and Critical Minerals Production Act of 2015** (Rep. Amodei – Natural Resources). That vote can be found [here](#). H.R. 1937 would reduce or eliminate environmental reviews, and give mining companies control over the timing of permitting decisions, for virtually all types of mining operations on federal public land, not just those involving strategic or critical minerals. It does this by defining “strategic and critical” minerals so broadly that they would include everything from minerals like gold, silver, copper and uranium (which are critical to defense, energy infrastructure & production, and manufacturing) to plentiful materials such as sand, clay, gravel and potentially even coal. Lastly, it requires the Interior Department to waive compliance with the National Environmental Policy Act

(NEPA) if the federal or state permitting process is deemed “adequate” and requires federal agencies to enter into agreements with mining companies to set time limits for each part of the permit review process and limit total review time to 30 months. In addition to reducing or eliminating environmental reviews in order to receive mining permits, the bill would also limit the judicial review of mine permits, barring any civil action not filed within 60 days after a final federal agency action.

Besides these provisions, the House Amendment contains controversial pieces from [H.R. 538](#) – Native American Energy Act (Rep. Young (AK) – Natural Resources), [H.R. 2406](#) – the SHARE Act or Sportsmen’s bill (Rep. Wittman – Natural Resources), and [H.R. 2647](#) – Resilient Federal Forests Act (Rep. Westerman – Natural Resources).

In addition, the House Amendment includes provisions from [H.R. 8](#), the House-passed energy bill. H.R. 8 contains outdated and dangerous energy provisions that could harm our environment and put people at risk by: (1) requiring that the Federal Energy Regulatory Commission (FERC) decide on pipeline applications within ninety days of the application being filed which could make it easier for the oil industry to quickly and recklessly build natural gas pipelines through national parks such as Yosemite and Yellowstone; (2) amending the Federal Power Act to interfere with the competitive wholesale process established in the Energy Policy Act of 2005 which would enable expensive nuclear and coal facilities to continue operating, while being most costly to consumers than wind and solar power; (3) increasing consumption and greenhouse gas emissions compared to current law; (4) preventing the Department of Energy (DOE) from providing any assistance if a proposed building code does not meet a simple payback period of ten years or less, which would result in a net loss in efficiency of 12.53 quads at a cost of \$23 billion to consumers; (4) eliminating consumers’ ability to seek restitution when they purchase Energy Star products that do not deliver the associated energy savings; and (5) placing power generation above all other uses of a river, including being used as drinking water and irrigation.

The House Amendment to S. 2012 would remove several regulations that help to ensure the safety and security of the American people. It also is a dangerous attack on our nation’s natural resources and the environment and would set the United States back in terms of developing new energy technologies and advancing clean and renewable energy sources.

Bill Text for the House Amendment to S. 2012:

[PDF Version](#)

Background for the House Amendment to S. 2012:

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

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

[H.R. 5233](#) – Clarifying Congressional Intent in Providing for D.C. Home Rule Act of 2016 (Rep. Meadows – Oversight and Government Reform) (One hour of debate). The bill would override a law passed by the D.C. Council, the Local Budget Autonomy Amendment Act of 2012, which was ratified by 83% of D.C. voters and ruled constitutional by the Superior Court of the District of Columbia. The D.C. law allows the District to implement its own local budget after a thirty-day congressional review period. H.R. 5233 is just another attempt to usurp control and autonomy from local, elected officials in the District.

In 1973, under the Home Rule Act (HRA), Congress delegated most of its legislative authority over D.C. to a locally elected government. The HRA Charter required the budget passed by the D.C. Council to be submitted to the President and then be approved by Congress. In 2012, the Local Budget Autonomy Amendment Act of 2012 (BAA) was adopted by the D.C. Council and was ratified by 83% of the District’s voters in 2013. The BAA amended the HRA Charter to permit the D.C. Council to transmit the local portion of the D.C. budget, consisting of revenues raised pursuant to local law, to Congress for a review period, like all other D.C. legislation, and to allow D.C. to establish its own fiscal year. This is known as budget autonomy. The effect of the BAA is to enhance the ability of District residents and elected leaders to govern their own affairs and make decisions on how best to spend locally raised tax revenue without waiting on Congress or the annual appropriations process, which historically has had final approval on how the local portion of the D.C. budget was spent.

Not only did D.C. voters overwhelmingly vote in favor of the BAA, but the last four House Oversight and Government Reform Committee (OGR) Chairmen, including former Rep. Tom Davis (R-VA) and Rep. Darrell Issa (R-CA), worked to help give the District budget autonomy. In fact, former Rep. Davis has said, “The benefits of budget autonomy for the District are numerous, real, and much needed. There is no drawback.”

On May 12, 2016 the Subcommittee on Government Operations of OGR held a hearing on the validity of the BAA. Jacques DePuy, a former Counsel for the District of Columbia Committee and a Republican

witness said, “[I] agree with the parties that, as a matter of public policy and of fundamental values of democracy, it is the duly elected representatives of the citizens of the District of Columbia who should determine how tax-payer money is spent.”

Republicans in Congress argue that the BAA is invalid because the U.S. Constitution requires Federal control over the local budgetary affairs of the District of Columbia. But even under budget autonomy, Congress retains total legislative authority over the District. On May 19, 2014, the U.S. District Court for the District of Columbia held that the BAA was invalid, but on May 27, 2015, the U.S. Court of Appeals for the District of Columbia Circuit vacated the District Court’s ruling and ordered that the case be remanded to the Superior Court of the District of Columbia. On March 18, 2016, the Superior Court upheld the validity of the BAA and held that: (1) the HRA preserved the then-existing 1973 budget process; (2) it did not prohibit the District from changing the local budget process in the future; (3) the District followed the Charter amendment procedure to pass the BAA; and (4) Congress had the authority to pass a disapproval resolution on the BAA, but did not do so.

Not only is the BAA constitutional and legal, it is also the least costly and most efficient way for the District to manage its local budget. Budget autonomy means lower borrowing costs, more accurate revenue and expenditure forecasts, improved agency operations, and the removal of the threat of D.C. government shutdowns during federal shutdowns.

H.R. 5233 is just another example of Republican overreach and an attempt to control the District of Columbia. Not only will H.R. 5233 take control away from the local DC government and ensure that taxpayer money is not used as effectively as it could be, but the bill is not a rigorous or well-thought out piece of legislation. The bill was introduced in the House barely one week ago, and was brought before OGR four days after being introduced.

Instead of working to address critical issues like the Flint water crisis, providing sufficient funding to combat the Zika virus that has been found in over 30 states, addressing criminal justice reform, or simply passing a budget, the Republican Majority is pushing its own priorities and control on a local jurisdiction through this misguided legislation. **Members are urged to VOTE NO.**

Bill Text for H.R. 5233:

[PDF Version](#)

Background for H.R. 5233:

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

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

Continue Consideration of [H.R. 5055](#) – Energy and Water Appropriations Act, 2017 (Rep. Simpson – Appropriations). H.R. 5055 appropriates \$37.44 billion in discretionary budget authority for the Department of Energy, the U.S. Army Corps of Engineers, and other agencies funded in the bill for FY 2017. It is \$259 million above FY 2016 levels and \$168 million above the President’s request. However, it appropriates \$93 million below the bill passed by the Senate last week. Because the Republican majority was unable to bring a budget to the Floor to guide the appropriations process, the House Appropriations Committee has not released a full list of funding allocations for each appropriations bill, making it impossible to compare this bill to all other appropriations bills in the context of the budget caps.

The Department of Energy’s Renewable Energy and Energy Efficiency office is cut \$248 million below FY 2016 and \$1.07 billion below the President’s request. The bill also includes numerous controversial policy riders that: (1) prohibit any rulemaking to clarify federal jurisdiction under the Clean Water Act; (2) prohibit any changes to the definition of “fill material” and “discharge of fill material” for the purposes of the Clean Water Act; (3) restrict the application of the Clean Water Act in certain agricultural areas, including farm ponds and irrigation ditches; (4) allow guns to be carried on all Corps of Engineers lands; and (5) prohibit new nuclear nonproliferation projects in Russia.

The House has completed all general debate on H.R. 5055. The House will continue consideration of amendments at the end of the bill today. As of last night, the following amendments have recorded votes pending:

Clawson Amendment
McNerney Amendment
Griffith Amendment
Buck Amendment
Polis Amendment #1
Polis Amendment #2
Welch Amendment

Weber Amendment
Ellison Amendment
Farr Amendment
Garamendi Amendment

Bill Text for H.R. 5055:

[PDF Version](#)

Background for H.R. 5055:

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

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

Motion to Go to Conference on S. 2012 and Consideration of the Democratic Motion to Instruct Conferees on S. 2012

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Thursday, May 26: The House will meet at 9:00 a.m. for legislative business. The House is expected to complete consideration of H.R. 5055 – Energy and Water Development and Related Agencies Appropriations Act, 2017 (Rep. Simpson – Appropriations).

The Daily Quote

"Mosquitoes carrying the dangerous Zika virus are expected to begin infecting Americans within the U.S. in the next 'month or so,' the government's top infectious disease expert said Sunday, as officials race to prevent a widespread outbreak of the virus that is believed linked to birth defects. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases, said on ABC that more than 500 Americans already have the Zika virus... The House of Representatives last week passed a measure that would allot \$622 million to combat Zika, but the White House has asked for \$1.9 billion to stop the spread of the virus. The House bill would cut 2014 money set up to fight Ebola, among other funds... House GOP leaders said officials should be able to use this money to battle Zika... Dr. Fauci resisted that approach, and the White House has threatened to veto the House bill. 'We can't take our eye off the ball with Ebola,' Dr. Fauci said. 'And that would really be robbing Peter to pay Paul and I think very foolhardy to do that.'"

- Wall Street Journal, 5/22/2016