

FLOOR SCHEDULE FOR TUESDAY, SEPTEMBER 13, 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"	2:00 – 3:00 p.m.	4:30 – 5:30 p.m.

H.Res. 858 – Rule providing for consideration of **H.R. 3590 – Halt Tax Increases on the Middle Class and Seniors Act (Rep. McSally – Ways and Means) (One hour of debate)**. 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 Ways and Means. 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.**

H.Res. 859 – Rule providing for consideration of **H.R. 5620 – VA Accountability First and Appeals Modernization Act of 2016 (Rep. Miller (FL) – Veterans’ Affairs) (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 Veterans’ Affairs. The Rule allows for 22 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. 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.**

H.R. 3590 – **Halt Tax Increases on the Middle Class and Seniors Act (Rep. McSally – Ways and Means) (One hour of debate)**. This bill marks the sixty-fifth time House Republicans have tried to repeal or undermine the Affordable Care Act (ACA) since 2011. This attempt would repeal one of the revenue provisions of the ACA, which increased the income threshold at which individuals may begin deducting unreimbursed medical expenses from their taxable income.

Under the ACA, taxpayers under 65 may deduct medical expenses greater than 10% of their adjusted gross income (AGI). Seniors over 65 may, however, deduct these expenses after they reach 7.5% of AGI – but this threshold, too, will increase to 10% in 2017. H.R. 3590 would repeal that portion of the ACA and allow all taxpayers to deduct medical expenses above 7.5% of their income on a permanent basis. Because it contains no offsets, this bill would add \$33 billion to the deficit over the next ten years, with the majority of its regressive tax benefit flowing to taxpayers with incomes above \$100,000.

It is clear that House Republicans are more interested in talking about getting America’s fiscal House in order than actually doing it, and it is clear that the GOP Majority is more focused on bringing messaging bills to the Floor instead of actually governing. Instead of considering legislation to combat the Zika virus or fund the government in order to prevent another government shutdown, House Republicans have chosen to waste time on yet another unpaid for tax cut that would add tens of billions to the deficit.

In the Statement of Administration Policy, the President's senior advisors stated that they would recommend he veto this bill. **Members are urged to VOTE NO.**

Bill Text for H.R. 3590:

[PDF Version](#)

Background for H.R. 3590:

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

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

Begin Consideration of H.R. 5620 – VA Accountability First and Appeals Modernization Act of 2016 (Rep. Miller (FL) – Veterans’ Affairs) (One hour of debate). H.R. 5620 is basically a combination of two different bills. The first portion of H.R. 5620 is similar to [H.R. 1994](#) – VA Accountability Act of 2015 – which passed the House in July of 2015. That vote can be found [here](#). Similarly, H.R. 5620 would give the Secretary of Veterans’ Affairs broad authority to fire, demote or take back previously given bonuses, awards or annuities to Veterans’ Affairs employees. The legislation would weaken protections for employees of the VA by: (1) shortening the notice period an employee receives for their removal from thirty days written notice to ten days; (2) removing the requirement that managers at the Department inform employees being removed for cause of the specific instances of unacceptable performance; (3) if the Merit System Protection Board

(MSPB) does not make a decision within sixty days, the termination would be final without any further review; (4) allowing the VA to eliminate previous time of service in calculation of annuities for Senior Executives if they were convicted of certain crimes; and (5) granting the ability for the Secretary to recoup bonuses, relocation payments, and other expenses already paid to employees. Strengthening and improving the VA will never be done when the protections of over 330,000 civil servants are weakened and procedural protections are taken away.

The second portion of H.R. 5620 is similar to [H.R. 5083](#) – VA Appeals Modernization Act of 2016. Taken as a stand-alone bill, H.R. 5083 would make positive improvements to address the ballooning appeals backlog at the VA by allowing veterans to choose one of three avenues for their appeal: (1) a high level review for their claim which would allow a completely new review of the claim; (2) an opportunity to add evidence to their claim without review of the original submissions; or (3) a full review done by the Board of Veterans Appeals, either with new evidence or as an expedited review.

While H.R. 5083 would make improvements to the appeals process for veterans, it is combined with legislation that would ultimately weaken the VA by diminishing the quality of the workforce which would not benefit veterans or improve the VA. In addition, H.R. 5620 rewards poorly performing employees for filing false whistleblower claims that would overburden the Office of Special Counsel. The VA cannot expect to attract the best and brightest employees when those employees have diminished employment protections and appeals processes that are afforded to other federal employees.

The Rule makes in order 22 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

Miller (FL) Amendment. Makes technical and conforming changes to the bill and aligns the due process procedures for the recoupment provisions of the bill.

Walz/Titus Amendment #2. Strikes sections 2 through 8 and section 10.

Takano Amendment. Replaces Section 3 with a new provision allowing the Secretary to suspend, without pay, any VA employee whose performance or misconduct threatens public health or safety, including the health and safety of veterans; and may remove a suspended employee after such investigation and review as the Secretary considers necessary, if the Secretary determines removal is in the interest of public health and safety.

Lujan Grisham Amendment. Adds Members of Congress to the reporting requirements of the legislation.

Kuster Amendment. Replaces Section 7 of HR 5620 with section 113 of [S. 2921](#), which contains an improved process to expedite the removal or demotion of a member of the Senior Executive Service.

Kirkpatrick Amendment. Replaces Section 8 of HR 5620 with Sections 101-104 from S. 2921 to create the VA Office of Accountability and Whistleblower Protection.

Newhouse Amendment. Applies the statutory requirements of the Emergency Medical Treatment and Labor Act (EMT ALA) to emergency care furnished by the VA to enrolled veterans. Requires every enrolled veteran who arrives at the emergency department of a VA medical facility, and indicates an emergency condition exists, be assessed and treated in an effort to prevent further injury or death.

Schweikert Amendment. Requires that the VA use distributive ledger technology when scheduling healthcare appointments to ensure transparency and accountability one year after enactment.

Cartwright Amendment. Authorizes the Department of Veterans Affairs to appoint a psychiatrist who completes a residency at a Veterans Health Administration (VHA) facility to a VHA health care position immediately after such residency, without regard to civil service or classification laws, if the psychiatrist meets the qualifications established in regulations prescribed for the position, and the position has been unfilled for at least 35 days.

Frankel Amendment. Provides the sense of the Congress honoring American veterans disabled for life and encouraging Americans to do so each year.

Gallego Amendment. Establishes positions of Directors of Veterans Integrated Service Networks (VISN) in the VA's Office of Undersecretary for Health.

Keating Amendment. Directs healthcare providers with VA affiliation to take continuing education courses specific to pain management, opioid, and substance abuse.

Lowenthal Amendment. Requires the Secretary of Veterans Affairs or a designee to review covered whistleblower complaints quarterly.

Lujan Amendment. Directs the VA to produce a report on the number of part-time active duty military physicians in VA health facilities, the hiring process for part-time active duty military physicians, the hiring process for part-time civilian physicians, and the steps the VA is taking to recruit active duty military physicians for part-time employment in VA health facilities.

Sean Maloney Amendment. Extends the Department of Veterans Affairs authority for the performance of medical disability evaluations by contract physicians for one year.

O'Rourke Amendment #16. Provides the VA with the authority to offer physicians conditional job offers two years earlier and increases the VA's recruiting outreach efforts to academic affiliate institutions.

O'Rourke Amendment #17. Provides the VA with the authority to share a patient's electronic health record with VA community based providers, while maintaining HIPPA protections.

O'Rourke Amendment #18. Directs the Secretary of Veterans Affairs to conduct annual surveys of veterans on experiences obtaining hospital care and medical services from medical facilities of the Department of Veterans Affairs.

Walz Amendment #19. Enables any person who is entitled to retired pay for nonregular (reserve) service or who, but for age, would be so entitled to be honored as a veteran. A person shall not be entitled to any benefit because of such recognition.

Walz Amendment #20. Allows the Secretary of the VA to furnish rehabilitative equipment to Veterans entitled to prosthetic appliances, and modify non-rehabilitative equipment owned by the Veteran to meet that purpose, if the Veteran elects. Rehabilitative equipment includes recreational sports equipment that provides an adaption or accommodation for the Veteran.

Duffy Amendment. Allows the VA to also use hearing aid specialists to program, adjust, and repair hearing aids.

Lance Amendment. Inserts the legislative text of [H.R. 658](#) requiring a VA Regional Office to carry out claim adjudications within 125 days with 98% accuracy. Regional Offices must submit a three step report every time it fails to meet its 125 day goal with explanation, reasoning and solutions for improvement. The report will also contain a description of additional resources necessary for the office to reach its goals, from staffing to policy changes, and an action plan to enable the office to meet its goal.

Bill Text for H.R. 5620:

[PDF Version](#)

Suspensions (2 bills)

1. [H.R. 5587](#) – Strengthening Career and Technical Education for the 21st Century Act, as amended (Rep. Thompson (PA) – Education and the Workforce)
2. [H.R. 5985](#) – Department of Veterans Affairs Expiring Authorities Act of 2016, as amended (Rep. Miller (FL) – Veterans' Affairs)

Postponed Suspension (1 bill)

1. [H.Res. 729](#) – Expressing support for the expeditious consideration and finalization of a new, robust, and long-term Memorandum of Understanding on military assistance to Israel between the United States Government and the Government of Israel (Rep. Ros-Lehtinen – Foreign Affairs)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Wednesday, September 14: The House will meet at 12:00 p.m. for legislative business. The House is expected to complete consideration of H.R. 5620 – VA Accountability First and Appeals Modernization Act of 2016 (Rep. Miller (FL) – Veterans' Affairs). The House is also expected to consider [H.R. 5226](#) – Regulatory Integrity Act of 2016 (Rep. Walberg – Oversight and Government Reform) (Subject to a Rule).

The Daily Quote

"Republican leaders are determined to avoid a shutdown, fearing the damage their members could suffer at the polls... [Senate Majority Leader Mitch] McConnell [R-KY] on Monday took procedural steps toward holding a vote on a deal that would fund the government until Dec. 9, leaving work on a full spending package until after the election... In the House, the negotiations over the funding are being colored by internal squabbles between leaders and hard-line conservative members. House Republicans have yet to finalize a government funding plan. Many rank-and-file members see the writing on the wall and appear willing to accept a stopgap measure that punts the final decisions to December. But members of the House Freedom Caucus, a group that often clashes with GOP leaders, want legislation that extends current spending levels into next year, leaving the long-term spending plan for a new president and Congress to decide."

- The Hill, 9/12/2016