

FLOOR SCHEDULE FOR WEDNESDAY, FEBRUARY 15, 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"	1:00 – 2:00 p.m.	5:00 – 6:00 p.m.

H.Res. 123 – Rule providing for consideration of both **H.J.Res. 69 – Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska"** (Rep. Young (AK) – Natural Resources) and **H.J.Res. 43 – Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients (Rep. Black – Energy and Commerce) (One hour of debate)**. The Rules committee has recommended one Rule which provides for consideration of 2 measures.

For H.J.Res. 69, the Rules Committee has recommended a closed Rule that provides for one hour of general debate equally divided between the Chair and Ranking Member of the Committee on Natural Resources. The Rule allows one motion to recommit and waives all points of order against the resolution.

For H.J.Res. 43, the Rules Committee has recommended a closed Rule that provides for one hour of general debate equally divided between the Chair and Ranking Member of the Committee on Energy and Commerce. The Rule allows one motion to recommit and waives all points of order against the resolution. **Members are urged to VOTE NO.**

H.J.Res. 42 – **Disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants (Rep. Brady (TX) – Ways and Means) (One hour of debate)**. The resolution disapproves of the rule issued by the Department of Labor (DOL) that defined criteria by which state Unemployment Insurance (UI) programs may drug test individuals who lost their job through no fault of their own. The rule was issued in order to implement a compromise enacted in the Middle Class Tax Relief and Job Creation Act of 2012, which extended emergency unemployment compensation and a payroll tax cut.

That act limited state programs’ authority to drug test UI claimants to those who (1) lost their jobs due to drug use, or (2) were applying for occupations that require drug testing. The rule this resolution disapproves defined the scope of “occupations” in the latter criteria to those where testing is legally required by state or federal law, like pipeline safety workers, as well as those required to carry firearms, passenger vehicle operators, flight crew and air traffic controllers, and railroad crews.

Disapproving of this rule would set the table for states to implement broad drug testing of jobless workers who are seeking temporary unemployment insurance, in violation of these workers' Fourth Amendment constitutional rights against unreasonable searches.

This DOL rule was crafted in the spirit of the law requiring it, limiting the scope of drug testing in order to uphold the constitution of the United States while protecting the dignity of unemployment insurance recipients. Using the Congressional Review Act (CRA) means it will receive only one hour of partisan debate, and if H.J.Res. 42 were signed into law, it would prevent future consideration of a “substantially similar” rule.

The Rule, which was adopted yesterday, provides for one hour of debate equally divided and controlled by the Chair and Ranking Member of the Committee on Ways and Means.

Bill Text for H.J.Res. 42:
[PDF Version](#)

H.J.Res. 66 – **Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees (Rep. Walberg – Education and the Workforce) (One hour of debate)**. The resolution disapproves of the Rule issued by the Department of Labor (DOL) in August 2016 to support state efforts to establish retirement savings plans for workers who do not otherwise have access to a tax free long term savings

plan. The rule gives states legal clarity under the Employee Retirement Income Security Act of 1974 (ERISA) to establish retirement savings plans for private and nonprofit sector employees who are not offered a workplace savings plan, thereby encouraging states to create these important retirement savings accounts for private sector workers living in their jurisdictions.

According AARP, 55 million Americans work for employers that do not offer any form of retirement savings or pension plan, almost half of private sector workers age 18 to 64. To strengthen retirement security, the Obama administration through this rule sought to encourage state governments to recognize and act on their interest in making sure American workers are, to the greatest extent possible, able to provide for themselves in their retirement years and not dependent on state assistance to help them make ends meet.

H.J.Res. 66 is just the latest in the Republican-controlled Congress efforts to undo common sense rules adopted during the Obama administration to maximize retirement security for all Americans. Last summer, President Obama vetoed [H.J.Res. 88](#), a disapproval resolution that would have nullified DOL's fiduciary rule, scheduled to go into effect this April, to require retirement advisors to put the "best interest" of their clients above their own financial interests. President Trump has indefinitely postponed the implementation of this rule through an executive order he signed earlier this month.

Under the terms of the Congressional Review Act (CRA) process, H.J.Res. 66, if adopted and signed by President Trump, will not only nullify, in one brief, partisan debate, carefully crafted rules that advance the critical public interest of strengthening retirement security for all Americans, but prevent DOL from considering a "substantially similar" rules in the future.

The Rule, which was adopted yesterday, provides for one hour of debate equally divided and controlled by the Chair and Ranking Member of the Committee on Education and the Workforce.

Bill Text for H.J.Res. 66:

[PDF Version](#)

[H.J.Res. 67](#) – Disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees (Rep. Rooney – Education and the Workforce) (One hour of debate). The resolution disapproves of the Rule issued by the Department of Labor (DOL) in December 2016 that allows cities and counties to establish retirement savings plans for private-sector workers who do not otherwise have access to a tax free long term retirement savings plan either through their place of employment or the state in which they reside. Under the rule that H.J. Res. 67 would nullify, cities and counties that offer local government-administered retirement plans to employees in the private and nonprofit sectors are exempt from certain provisions under the Employee Retirement Income Security Act of 1974 (ERISA). To be eligible under this Rule, the city or county must meet these requirements: (1) be larger than the least populous state, which is currently Wyoming at approximately 600,000 residents; (2) not be in a state that has already enacted a statewide payroll deduction savings plan; and (3) implement and administer the plan for its workers.

After the creation of the DOL rule relating to states establishing retirement savings plans which are exempt from certain ERISA regulations, it was clear that DOL needed to implement another clarifying rule relating to cities and counties.

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Bill Text for H.J.Res. 67:

[PDF Version](#)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Thursday, February 16: The House will meet at 12:00 p.m. for legislative business. The House is expected to complete consideration of [H.J.Res. 69](#) – Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska" (Rep. Young (AK) – Natural Resources) and [H.J.Res. 43](#) – Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients (Rep. Black – Energy and Commerce).

The Daily Quote

"House Speaker Paul D. Ryan (R-Wis.) spent Tuesday on a door-to-door tour of the Capitol in hopes of salvaging his plan to repeal and largely replace the Affordable Care Act by spring. The day-long blitz comes as Republicans in Congress have made virtually no visible progress in recent weeks on overhauling the health-care system... That is largely because the party remains sharply divided over how much of the ACA should be repealed and how much — if any of it — should be replaced.... For Ryan, the stakes could not be higher."

- Washington Post, 2/14/2017