

FLOOR SCHEDULE FOR WEDNESDAY, SEPTEMBER 28, 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.	???

*****Members are advised that close votes are possible today. All Members are expected to be present and voting. Any expected absences should be reported to the Whip's Office at x5-3130.**

[H.Res. 897](#) – Rule providing for consideration of both [H.R. 5303 – Water Resources Development Act of 2016 \(Rep. Shuster – Transportation and Infrastructure\)](#) and [H.R. 6094 – Regulatory Relief for Small Businesses, Schools, and Nonprofits \(Rep. Walberg – Education and the Workforce\)](#) (One hour of debate). The Rules Committee has recommended one Rule which would provide for consideration of two bills.

For H.R. 5303, the Rules Committee has recommended a structured Rule for additional amendments. The Rule provides for consideration of 19 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.

For H.R. 6094, 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 Education and the Workforce. 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. 5303 – Water Resources Development Act of 2016 \(Rep. Shuster – Transportation and Infrastructure\)](#). The bill revises and authorizes water resources development projects for the U.S. Army Corps of Engineers. It also de-authorizes five existing projects and establishes an expedited process for the de-authorization of other projects. The bill that was reported out of Committee was a bipartisan compromise, but House Republicans stripped Section 108 which would have unlocked the Harbor Maintenance Trust Fund to ensure that revenues collected from shippers are used to maintain U.S. coastal and Great Lakes harbors. Without this provision, the balance in the Trust Fund will double in the next decade to \$20 billion and continue to grow. While Committee Democrats worked in good-faith with Committee Republicans to strengthen and maintain our Nation's ports, harbors and waterways, the removal of Section 108 significantly alters this piece of legislation.

While the Senate WRDA bill contains provisions to address the crisis in Flint, Michigan, H.R. 5303 does not. Last night in the Rules Committee, House Republicans made in order a Kildee-Molinaar amendment to the underlying bill that would authorize \$170 million in assistance to address the issue. While additional funding is ultimately necessary, the amendment is a small, necessary step to help the people of Flint.

The Rule provides for no further general debate. The Rule makes in order 19 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

Byrne Amendment. Directs the Secretary to coordinate with all Gulf States on developing an oyster bed recovery assessment for beds that were damaged due to Hurricane Katrina, Deepwater Horizon and recent floods, adopting a modified version of the Senate passed text.

Crawford Amendment. Clarifies the Water Infrastructure Finance and Innovation Act (WIFIA) to make eligible alternative water delivery projects aimed at reducing aquifer depletion and makes a technical modification that ensures WIFIA financing arrangements take into account the total cost of the project.

Culberson/Al Green Amendment. Directs the Secretary to expedite the Brays Bayou flood mitigation project authorized by item 6 in section 211(f) of the Water Resources Development Act of 1996.

Farenthold Amendment. Provides that no new start or new investment decision shall be required to initiate work on a separable element of an authorized project when contraction of one or more separable elements of that project was initiated previously; it shall be considered ongoing work and it should be considered continuation of the fully authorized project.

Sam Johnson Amendment. Requires the EPA and Army Corps of Engineers to issue the final federal permit for the Lower Bois d'Arc Creek Reservoir Project no later than September 30, 2017.

Ribble Amendment. Provides that in carrying out the design, construction, maintenance, repair, and rehabilitation of water resources development projects, including flood risk reduction, coastal resiliency, and ecosystem restoration projects, the Secretary shall ensure that appropriate consideration is given to the use of natural and nature-based features.

Rogers (KY) Amendment. Clarifies that requirements imposed on floating cabins used in the Cumberland River Basin cannot be different or more stringent than the requirements imposed on all recreational vessels authorized for use in the Basin.

Rouzer Amendment. Directs the Army Corps of Engineers to work with state officials to establish a no wake zone in federal navigation channels when certain criteria are met.

Meng Amendment. Allows the Army Corps of Engineers to pursue projects and technologies that prevent and mitigate flood damages associated with ice jams (chunks of ice floating on a river that catch on an obstruction such as a bridge piling, rocks, logs, etc., pile up to form an ice dam, and cause flooding upstream from the blockage, and then possibly downstream again when the ice finally releases).

Moore Amendment. Calls for the Army Corps to conduct a review of its tribal consultation policies and regulations. Provides that the Army Corps shall provide for public meetings with Indian tribes and other stakeholders and provide a report to Congress on the results of the review.

Peters Amendment. Directs the Secretary to design and develop a structural health monitoring program to assess and improve the condition of infrastructure constructed and maintained by the Corps of Engineers, including research, design, and development of systems and frameworks for—response to flood and earthquake events; pre-disaster mitigation measures; lengthening the useful life of the infrastructure; and identifying risks due to sea level rise.

Quigley Amendment. Expedites the completion of the project for flood control, Chicagoland Underflow Plan, Illinois, phase 2.

Vela Amendment. Directs the Secretary of the Army to release the interests of the United States in certain tracts of land located in Cameron County, Texas, and for other purposes.

Huizenga Amendment. Makes permanent a set aside of Army Corps priority funding for the Great Lakes.

Joyce Amendment. Amends the Clean Water Act to reauthorize the Great Lakes Restoration Initiative.

Bridenstine Amendment. Strengthens language requiring a feasibility study of Tulsa and West Tulsa levees. Prioritizes the project if study classifies levee or levee system Class I or Class II.

Courtney Amendment. Removes a breakwater in Stonington, Connecticut as a federally authorized project.

Newhouse Amendment. Directs the Chief of Engineers to transfer the human remains commonly known as the Kennewick Man or the Ancient One to the Washington State Department of Archeology and Historic Preservation, on the condition that the Department disposes of the remains and repatriates the remains to the claimant tribes.

Kildee Amendment. Authorizes the Secretary to provide additional assistance under the Water Resources Development Act for the repair or replacement of public and private water infrastructure in any community located in a State for which the President has declared an emergency under the Stafford Act as a result of the presence of contaminants, including lead.

The following amendment has a recorded vote pending:

Graves Amendment. Eliminates all federal requirements, including the prevailing wage protections of the Davis Bacon Act, when the Corps contracts with a non-federal entity to execute a project or project component that the Corps determines can be done at lower cost and/or faster time by contracting out the project and evading these federal requirements. It directs 20% of any money saved back to Treasury, and the rest to other Corps projects.

Bill Text for H.R. 5303:

[PDF Version](#)

Background for H.R. 5303:

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

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

H.R. 6094 – Regulatory Relief for Small Businesses, Schools, and Nonprofits Act (Rep. Walberg – Education and the Workforce) (One hour of debate). H.R. 6094 seeks to delay the Department of Labor's (DOL) new overtime rule from going into effect for six months – from December 1, 2016 to June 1, 2017. The rule, published on May 23, 2016, would update the salary threshold that automatically qualifies workers for overtime pay from \$23,660 to \$47,476 a year, to be effective on December 1, 2016.

Under the Fair Labor Standards Act of 1938, employers are required to pay “time-and-a-half” overtime to employees who work more than 40 hours per week. Under the DOL’s current rules, full-time salaried workers earning less than \$23,660 a year are automatically eligible for overtime pay. Salaried workers who earn more than \$23,660 are similarly eligible, unless they are categorized by their employer as primarily performing executive, administrative, or professional duties. However, many businesses circumvent this by classifying workers as “managers” and giving them minimal managerial tasks, but then expecting them to work 50 or more hours a week, including a significant amount of time performing non-managerial work.

The current salary threshold has only been raised once since the 1970’s. Consequently, since 1975 we have seen the number of employees eligible for overtime pay fall from 62% in that year to 7% in today’s workforce. The current level is just 1.6 times the minimum wage, which means that a worker earning less than the poverty line for a family of four could potentially be earning too much to qualify for overtime. In order to address this, the DOL finalized a rule in May to update the salary threshold that automatically qualifies workers for overtime to better reflect current economic realities. Additionally, starting January 20, 2020, the rule would require automatic increases in the salary threshold every three years to match the 40th percentile of salaries in the lowest-wage Census region. The administration estimates this new rule will immediately raise wages for 4.2 million workers in the short-term, and will increase take-home pay by \$1.2 billion a year over the next ten years.

With H.R. 6094, House Republicans are delaying millions of struggling American workers from earning the overtime pay they deserve. Instead of resorting to the same tired argument that helping workers succeed is bad for the economy, Republicans should work with Democrats to provide hardworking Americans with the tools and resources they need to support their families in a rapidly changing economy. With only two legislative days left before the end of the fiscal year, Republicans should stop wasting time on bills that will never become law, and instead focus on passing a continuing resolution to avoid a government shutdown and provide urgently needed funds to combat the Zika virus and help the residents of Flint recover from their tragedy.

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. 6094:

[PDF Version](#)

Suspension (1 bill)

1. [S. 3283](#) – To designate the community-based outpatient clinic of the Department of Veterans Affairs in Pueblo, Colorado, as the "PFC James Dunn VA Clinic" (Sen. Gardner – Veterans’ Affairs)

****Members are advised that additional legislative items are possible**

TOMORROW’S OUTLOOK

The GOP Leadership has announced the following schedule for Thursday, September 29: The House will meet at 12:00 p.m. for legislative business. Further information regarding the schedule will be announced as soon as it is available.

The Daily Quote

“Congress failed again to pass regular appropriations bills on time this year, despite the hopes of Republican leaders of restoring regular order and proving to voters they can govern again... McConnell's stopgap measure, drafted last week without Democratic cooperation, would extend current funding levels to Dec. 9... But [Senate Majority Leader Mitch] McConnell [R-KY] failed, as expected, to advance his measure Tuesday, when supporters mustered only 45 votes for it on a procedural test... Even many Republicans bucked their leadership to vote against the bill, which needed 60 votes under Senate rules... With the threat of a shutdown looming, Senate leaders have three days to resolve their disaster duel to get the government funded.”

- CQ, 9/28/2016