

**FLOOR SCHEDULE FOR THURSDAY, DECEMBER 8, 2016**

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
<b>9:00 a.m.: Legislative Business</b>  <b>Five "One Minutes"</b>	<b>10:00 – 11:00 a.m.</b>	<b>1:00 – 2:00 p.m.</b>

**H.Res. 949 – Rule providing for consideration of both S. 612 – Water Infrastructure Improvements for the Nation (WIIN) Act (Sen. Thune – Transportation and Infrastructure/Energy and Commerce/Natural Resources) and the House Amendment to the Senate Amendment to H.R. 2028 – Making Further Continuing Appropriations for Fiscal Year 2017, and for other purposes (Rep. Rogers (KY) – Appropriations)(One hour of debate).** The Rules committee has recommended one Rule which provides for consideration of 2 measures.

For S. 612, the Rules Committee has recommended a closed Rule that provides for one hour of general debate, with twenty minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Transportation and Infrastructure, twenty minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Energy and Commerce, and twenty minutes equally divided and controlled by the Chair and Ranking Member of the Committee on Natural Resources. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For the House Amendment to the Senate Amendment to H.R. 2028, 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 Appropriations. The Rule waives all points of order against the legislation. **Members are urged to VOTE NO.**

**House Amendment to the Senate Amendment to H.R. 2028 - Making Further Continuing Appropriations for Fiscal Year 2017, and for other purposes (Rep. Rogers (KY) – Appropriations) (One hour of debate).** The measure extends for four and a half months – through April 28, 2017 – current FY 2016 level appropriations for all government operations, after a 0.1901% across the board cut to both defense and nondefense accounts to conform with the Budget Control Act’s discretionary spending caps totaling \$1.07 trillion.

While virtually all accounts are level funded, as is typical of a C.R. there are a series of “anomalies” to accommodate urgent policy concerns and to maintain the basic functioning of government services.

The bill includes \$170 million in appropriated funding to implement the programs to address the Flint water crisis. The authorizing language to ensure that this additional funding is used as intended for the Flint water crisis is contained in the Water Resources Development Act (WRDA) bill, and will need to be enacted separately. Additionally this bill appropriates \$872 million for the bipartisan 21<sup>st</sup> Century Cures Act which will help local and federal governments combat the opioid epidemic; accelerate the development and delivery of cures to diseases and medical conditions; provide additional resources to facilitate access to mental health services and substance abuse treatment; and promote the maintenance of the best biomedical workforce in the world.

The bill contains a short term fix to prevent more than 16,000 retired United Mine Workers of America coal miners from losing their earned health benefits on December 31<sup>st</sup> through no fault of their own, but it does not include a more permanent fix sought by the miners.

The bill contains additional funding for Overseas Contingency Operations (OCO), allocating \$5.8 billion for defense and \$4.3 billion for non-defense appropriations.

The bill contains language to expedite the consideration in the Senate of a waiver for President-Elect Trump’s nominee for Secretary of Defense, General James Mattis, to be eligible to serve even though he has not been out of uniform for seven years as current law requires. Essentially, these provisions limit debate time on the Senate floor but preserve a 60 vote threshold for passage of the waiver.

Although Republicans hold the majority in both the House and the Senate, they abandoned the regular order appropriations process this year and will now need to rely on a Continuing Resolution to fund the government at last year’s levels instead of finishing all twelve appropriations bills, or even an omnibus package. Annual appropriations bills are essential to properly run the Federal government. Under these short-term continuing resolutions, government agencies are unable to properly plan or budget more than a few months in advance and unable to adjust to changing priorities, which is wasteful,

burdensome, and a completely irresponsible way to run one of the most powerful nations in the world.

Instead of prioritizing the appropriations process, House Republicans chose to attack the Dodd-Frank Wall Street Reform and Consumer Protection Act which was put in place to protect the American people in the wake of the Great Recession, attempt to dismantle the Affordable Care Act, weaken environmental protections while insisting that global warming is not real, and attempting to diminish the autonomy of government agencies. Now the House will continue governing by crisis by considering this Continuing Resolution one day before the current Continuing Resolution is set to expire.

**S. 612 – Water Infrastructure Improvements for the Nation Act, as amended (Sen. Thune – Transportation and Infrastructure/Energy and Commerce/Natural Resources) (One hour of debate).** The bill revises and authorizes water resources development projects for the U.S. Army Corps of Engineers through 2021. Title I of S. 612 will authorize thirty new Corps projects (totaling more than \$10 billion) in the areas of flood risk management, ecosystem restoration and hurricane and storm damage risks, while creating programming changes to the Corps project delivery process. The bill fails to include bipartisan language passed by the House that would have unlocked the Harbor Maintenance Trust Fund (HMTF) and ensured that revenue collected from shippers would be dedicated for dredging projects. Due to the exclusion of this bipartisan language, \$9 billion in previously-collected harbor maintenance tax revenue will continue to sit idle and not be used to create jobs and improve the reliability of U.S. ports and harbors.

Title II of the bill, known as the Water and Waste Act of 2016, makes a number of changes to Safe Drinking Water State Revolving Loan Programs to help communities address contamination in drinking water. The title authorizes a new grant program to assist small and economically disadvantaged communities with drinking water services. This program gives priority to underserved communities that have inadequate drinking water systems and authorizes \$60 million annually in grants to communities, tribes, or States to upgrade their systems and conduct of household water quality testing. It authorizes another \$60 million over five years in a new grant program to help communities reduce the concentration of lead in their drinking water, including the replacement of lead service lines. Under this program, priority for grants would go to economically disadvantaged communities that either (1) have concentrations of lead in their drinking water that exceed Federal standards, or (2) need to address lead levels in drinking water at daycare centers, schools, or other facilities serving children. Title II extends Buy American protections for iron and steel used in drinking water projects authorized in the bill, but it sunsets these protections at the end of Fiscal Year 2017, rather than making them permanent as the Senate bill had done.

Importantly, this title authorizes a total of \$170 million for programs to specifically address the Flint, Michigan, drinking water lead crisis, including \$100 million in additional funding for the Safe Drinking Water Act, \$20 million for a grant to create a lead exposure health registry, \$20 million in credit subsidy for the Water Infrastructure Financing and Innovation Act Loan Program (WIFIA) which will allow \$2 billion in loans nationwide, \$15 million for the Childhood Lead Poisoning Prevention Program, and \$15 million for the Healthy Start Program. The appropriations language needed to ensure that funding is available to implement these authorizations for the Flint water crisis is contained in the Continuing Resolution, and will need to be enacted separately.

Subtitle C of Title II establishes a system of permitting programs, at the state and federal level, to implement and enforce requirements for safe disposal of coal ash. The language addresses cross-state risks from unsafe coal ash disposal by empowering potentially affected states to seek EPA review of programs in other states.

Title III of the bill includes a number of natural resource provisions that address dam safety and irrigation system rehabilitation on Native American tribal lands. It also contains a number of tribal water rights settlements or modifications to existing settlements for the Pechanga and San Luis Ray tribes in California, the Choctaw and Chickasaw tribes in Oklahoma, and the Blackfeet tribe of Montana.

While House Republicans, including their leadership, have spoken constantly of openness, they at the last minute added an eighty-nine page provision to change the operations of the Bureau of Reclamation Central Valley Project and provide additional water to Southern California agricultural water users. It authorizes \$535 million for desalination, recycling and storage projects, and for the control of invasive species and fish restoration activities, and allows water users to accelerate repayments of project costs to the federal treasury. The provision includes language that seeks to ensure that implementation of these changes does not override or amend the applicability of the Endangered Species Act, as well as the biological opinions that guide protections for endangered fish



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species in California; however, environmental groups have expressed concerns that this language will not ensure that these species will, in fact, be protected.

## Postponed Suspension (1 bill)

1. [H.R. 4919](#) – Kevin and Avonte’s Law of 2016, as amended (Rep. Smith (NJ) – Judiciary)

### The Daily Quote

"Congress is poised to pass a bill this week to fund the government through April, boost defense spending, provide aid to flood-ravaged states and to the lead-poisoned residents of Flint, Mich... The House and Senate must approve the bill this week to prevent a government shutdown. Current funding for federal agencies expires at midnight Friday."

- USA Today, 12/7/2016