

**FLOOR SCHEDULE FOR WEDNESDAY, SEPTEMBER 14, 2016**

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
<b>10:00 a.m.: Morning Hour</b> <b>12:00 p.m.: Legislative Business</b>  <b>Fifteen "One Minutes"</b>	<b>1:30 – 2:30 p.m.</b>	<b>5:30 – 6:30 p.m.</b>

**[H.Res. 863](#) – Rule providing for consideration of both [H.R. 5351](#) – To prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba (Rep. Walorski – Armed Services) and [H.R. 5226](#) – Regulatory Integrity Act of 2016 (Rep. Walberg – Oversight and Government Reform) (One hour of debate).** The Rules Committee has recommended one Rule which would provide for consideration of two bills.

For [H.R. 5351](#), 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 Armed Services. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For [H.R. 5226](#), 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 Oversight and Government Reform. The Rule allows for 3 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.**

**Complete Consideration of [H.R. 5620](#) – VA Accountability First and Appeals Modernization Act of 2016 (Rep. Miller (FL) – Veterans' Affairs).** [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. **Members are urged to VOTE NO.**

The Rule provides for no further general debate. As of last night, the House completed debate through the Lowenthal Amendment. The following amendments remain to be debated:

**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.

The following amendments had recorded votes pending as of last night:

**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.

**Kuster Amendment.** Replaces Section 7 of H.R. 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.

**Bill Text for H.R. 5620:**

[PDF Version](#)

**[H.R. 5226](#) – Regulatory Integrity Act of 2016 (Rep. Walberg – Oversight and Government Reform) (One hour of debate).** This bill is yet another attempt by House Republicans to severely hinder government agencies in issuing rules and regulatory actions.

H.R. 5226 would require each agency to make publicly available on the agency website or on regulations.gov a list of: (1) each pending agency regulatory action; (2) the date of origination of the regulation; (3) most recent status; (4) an estimate of the date of completion of the final rule; (5) a description of the regulatory action; and (6) each public communication about the action issued by the agency, including the date of communication, the intended audience, the method by which the communication was transmitted, and a copy of the original communication. These requirements are overly burdensome and, if enacted, will severely impede the process for creating regulatory actions, which in turn could put the public at risk by preventing agencies from adopting rules to address real threats to public health, safety, and security.

The bill would also prohibit agencies from publicly disseminating information to "promote" a pending agency regulatory action. However, current law already bars agency employees from engaging in "substantial 'grass roots' lobbying campaigns" when those campaigns are aimed at encouraging members of the public "to pressure Members of Congress to support Administration or Department legislative or appropriations proposals." H.R. 5226 is so broadly written that almost any action by an agency can be seen as "promoting" a pending agency regulatory action.

While regulatory transparency is something both Democrats and Republicans in Congress both aim toward, this bill creates impossible requirements that would severely impede and hamper the regulatory process.

In the Statement of Administration Policy, the President's senior advisors stated that they would recommend he veto this bill.

The Rule makes in order 3 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

**Boustany/Loudermilk Amendment.** Requires the results of a Regulatory Impact Analysis (RIA) or a similar cost-benefit analysis, as well as the formula and data for the analysis to be included in the details disclosed by the agency on either regulations.gov or on the executive agency's website.

**Fleming Amendment.** Adds a requirement that proposed regulations that duplicate or overlap with other existing regulations must be disclosed.

**McKinley Amendment.** Restricts employees or officers of an Executive Agency from using private email accounts when discussing a pending agency regulatory action with the public.

**Bill Text for H.R. 5226:**

[PDF Version](#)

**Background for H.R. 5226:**

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

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

## **TOMORROW'S OUTLOOK**

The GOP Leadership has announced the following schedule for Thursday, September 15: The House will meet at 9:00 a.m. for legislative business. The House is expected to consider H.R. 5351 – To prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba (Rep. Walorski – Armed Services). The House is also expected to consider a privileged resolution Impeaching John Andrew Koskinen, Commissioner of the Internal Revenue Service, for high crimes and misdemeanors (Rep. Fleming).

### **The Daily Quote**

"A year after the Freedom Caucus pressured John Boehner to resign as Speaker, members of the conservative group have begun threatening his successor, Paul Ryan [R-WI]... They're pressuring Ryan to back a vote to impeach IRS Commissioner John Koskinen in the coming days... 'Impeachment is not something that should be dealt with lightly or in an overtly political manner,' [Rep. Charlie] Dent [R-PA] said in an interview. Dent... also scolded the Freedom Caucus for making what he saw as empty threats against the Speaker. 'The Speaker of the House has an obligation to lead and to govern. If you didn't come here to govern, why the hell are you here?' Dent asked."

- The Hill, 9/8/2016