

girls. These young women could be our daughters, our sisters, our nieces.

Mr. Speaker, the terror is still continuing as I stand and address this House. We must end this nightmare for these girls and for girls all over the world.

RESOLUTION RELATING TO THE CONSIDERATION OF HOUSE REPORT 113-415 AND AN ACCOMPANYING RESOLUTION, AND PROVIDING FOR CONSIDERATION OF H. RES. 565, APPOINTMENT OF SPECIAL COUNSEL TO INVESTIGATE INTERNAL REVENUE SERVICE

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 568 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 568

Resolved, That if House Report 113-415 is called up by direction of the Committee on Oversight and Government Reform: (a) all points of order against the report are waived and the report shall be considered as read; and

(b)(1) an accompanying resolution offered by direction of the Committee on Oversight and Government Reform shall be considered as read and shall not be subject to a point of order; and

(2) the previous question shall be considered as ordered on such resolution to adoption without intervening motion or demand for division of the question except: (i) 50 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform or their respective designees; (ii) after conclusion of debate one motion to refer if offered by Representative Cummings of Maryland or his designee which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (iii) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 565) calling on Attorney General Eric H. Holder, Jr., to appoint a special counsel to investigate the targeting of conservative nonprofit groups by the Internal Revenue Service. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to adoption without intervening motion or demand for division of the question except 40 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise in support of this rule, H. Res. 568.

House Resolution 568 provides for consideration of two important resolutions. Both resolutions are critical to getting to the bottom of the IRS' targeting of conservative nonprofit groups, and they are critical to holding this government accountable.

The groups who are discriminated against deserve to know the full truth and so do the American people. To this day, Mr. Speaker, no one has been held accountable for the actions of the IRS.

I wish that the underlying resolutions weren't necessary; but, once again, the self-proclaimed "most transparent administration in history" hasn't been helping much in providing the answers to the American people that they so rightly deserve.

For example, one of the underlying resolutions, H. Res. 565, calls for the Attorney General to appoint a special counsel to investigate the targeting that took place.

Again, it is frustrating that this House even needs to take this step, Mr. Speaker; but as we have come to find out, the Justice Department chose a Democratic political supporter to lead their investigation into the IRS' actions. This attorney donated over \$6,000 to President Obama's election campaigns, and if that is not a conflict of interest, I don't know what it is.

That is extremely disappointing to me because this administration had the opportunity to give Americans assurances that they wouldn't stand for the IRS' conduct, they wouldn't allow an agency to be a tool to punish people for their political beliefs and would work diligently to root out this behavior and hold the appropriate people accountable.

Instead, the administration severely undermined the credibility of the investigation at every turn. We need impartiality and objectiveness from this administration; and, Mr. Speaker, we just didn't get it.

We have hit a wall, Mr. Speaker. It is time we had a special counsel to look into the issue so we can fully understand the depths of the targeting.

What we do know, Mr. Speaker, is that all signs point to Lois Lerner as a central figure in this scandal. Ms. Lerner has been unwilling to answer questions before the Oversight and Government Reform Committee, despite giving testimony to two other bodies.

Her actions to this point beg the question: What is she trying to hide?

Ms. Lerner has roughly a year—she has had a year to work with the committee and ample time to comply with this subpoena. Unfortunately, she has refused to do so.

When called to testify before the committee, Lois Lerner simultaneously asserted her innocence, while

depriving the American people of the opportunity to get their questions answered.

Ms. Lerner made 17 separate factual assertions before invoking her Fifth Amendment right—17, Mr. Speaker.

In the words of my colleague from South Carolina, that is a lot of talking for someone who wants to remain silent.

□ 1230

Some people believe—me being one of them—that you can't do that. You can't make selective assertions and still invoke your Fifth Amendment right.

Mr. Speaker, I believe that Mrs. Lerner's conduct shows contempt for this body. I certainly do. I truly believe that. But that is what we are here today for, to have a debate, to see what the majority of this body believes.

This rule allows for the debate to happen and a vote to happen. It allows Congress to do its job, providing oversight of the executive branch.

If the contempt vote passes, it will place the issue into Federal court. It will be up to them to decide if we are accurate or off base. Let the court decide that. That is the appropriate step, because that is where the dispute between these two branches is supposed to reside. The judicial branch is the arbitrator between the executive branch and the legislative branch when it comes to issues like this. That is how a three-branch system works. We should let the process take place.

I support this rule, and I urge my colleagues to do the same.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Florida (Mr. NUGENT) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, welcome to witch-hunt week here in the United States House of Representatives. Our economy is slowly recovering, slower than any of us would like. Millions of unemployed Americans have been left behind because their unemployment benefits have expired. Our immigration system is broken. Millions of Americans are living in poverty because they don't earn enough to make ends meet. And we have a pay equity issue where women, on average, earn less than men for doing the same job. I mean, climate change is a real issue and is getting worse.

So what is the response from the House Republican leadership? A jobs bill? No. A fully funded transportation bill? No. An extension of long-term unemployment benefits? No. Comprehensive immigration reform? No. An increase in the minimum wage? No way. A pay equity bill? No. A sensible energy policy? No. Of course not, not from this leadership.

You know, when it comes to jobs or improving the economy, my Republican friends have no ideas. And here is the deal: they are afraid the American people are going to figure this out. And so what do they do? They create distractions and diversions, more investigations, more investigations.

Mr. Speaker, instead of tackling the issues that actually matter to people, House Republicans are once again playing to cheap seats with hyperpartisan political witch-hunts.

Now, this rule before us today contains two bills. One would hold Lois Lerner, the former Director of the IRS Exempt Organizations in contempt of Congress; the other would appoint a special counsel to investigate the targeting of nonprofit groups by the IRS. And that is just today. The House Republican leadership will be doubling down on the crazy later this week by creating a select committee to exploit the tragedy of Benghazi. It is shameful.

This is ridiculous. The IRS clearly overstepped in the way they identified and targeted nonprofit groups. That is not an issue for debate. But an issue of this magnitude and importance, potential abuse by the Internal Revenue Service, deserves to be handled in a bipartisan and professional manner. That standard has not been achieved during these investigations.

I say “these investigations,” plural, because multiple committees have spent nearly a year looking into this. From nearly the beginning, Republicans have operated on their own and not in a bipartisan and professional manner. To date, 39 witnesses have been interviewed, more than 530,000 pages of documents have been reviewed, and the IRS has spent at least \$14 million of taxpayer money cooperating with all of these requests and investigations.

And what do we have to show for all this work? We have had a circus in the Committee on Oversight and Government Reform—a circus. We have seen Ms. Lerner assert her Fifth Amendment rights, and we have seen Chairman ISSA literally cut the mic while Ranking Member CUMMINGS was speaking. In all my years as a Member of Congress and as a staff member, I have never seen such behavior in a committee before, ever.

And during this investigation, we have seen over 30 legal experts come together and state that Chairman ISSA's contempt proceedings—one of the bills that we are considering here today—are constitutionally deficient. In other words, more than 30 legal experts—both Democrats and Republicans, and also including former House counsels—believe that the courts would throw this contempt resolution out of court. Now, of course, Chairman ISSA is entitled to his own opinion, but we cannot just ignore the legal opinions of more than 30 legal experts, including two former House counsels.

Ranking Member CUMMINGS had a great idea, a sensible idea, and I can't

quite understand why my friends on the other side haven't accepted it. He said let's hold a hearing with many of these legal experts and get to the bottom of why they feel Chairman ISSA's actions are deficient. But Chairman ISSA nixed that quickly and said no way, no hearings.

This is the Oversight Committee. This is the committee that is supposed to be nonpartisan, when you think about it. I mean, the investigations are supposed to have some credibility. But Chairman ISSA nixed that. In fact, he is refusing to hold such a hearing.

And actually, it just baffles me. If Chairman ISSA firmly believes that this contempt resolution has merit and has legal standing, then what is the harm in holding a hearing and considering these legal experts' opinions?

The truth is that Chairman ISSA and the Republican leadership really do not care about doing this fairly, and they never have. This is an exercise in political theater, designed for the conservative media closed information loop.

Mr. Speaker, speaking truth to power is important. Investigating abuses of power is even more important. But abusing the process in the name of investigating abuse is wrong. We have been down this road before. We have seen this kind of witch-hunt steamroll through this very Capitol. But not even Joseph McCarthy was able to strip away an American citizen's constitutional rights under the Fifth Amendment, as Chairman ISSA is trying to do.

The Congressional Research Service found that the last time Congress tried to hold witnesses in contempt after they asserted their Fifth Amendment right not to testify was in the 1950s and 1960s in Senator Joseph McCarthy's committee, the House un-American Activities Committee, and others. In nearly every case, the juries refused to convict or Federal courts overturned those convictions. This exercise that we are engaged in today is nearly identical to the actions of Senator McCarthy. It was wrong then; it is wrong now.

This is sad because it demeans this House of Representatives. It may be red meat for the extreme right wing, but for too many Americans, it adds to the cynicism that this is a place where trivial issues get debated passionately and important ones not at all.

Mr. Speaker, the IRS is a powerful agency. The Tax Code, itself, can be either daunting or beneficial, depending on where you sit. The IRS and the Code can be used to help people, like through the EITC, the child tax credit, and the R&D tax credits; or it could be used punitively, as it was during the Nixon administration.

The IRS, under the Obama administration, must be held to a high standard. We must keep politics out of the way the IRS is run and the way it operates. In fact, the hearings, depositions, and investigations held to date actually show that there was no White House involvement in this case—none.

The problem here is that the narrative that my Republican friends have doesn't fit the facts and they are frustrated, so they want to kick the ball down to the court and have more committees, more investigations, more special counsels. Maybe they will find something. In addition, these hearings that were held, these depositions and investigations show that the targeting of nonprofit groups by the IRS was not limited to conservative groups.

Unfortunately, this whole process is so political that my friends, the Republicans on the Oversight Committee, intentionally limited the scope of what they are focused on to just conservative groups. It doesn't matter what happened to progressive groups. The truth is that both liberal and conservative groups were targeted. That is a fact that is conveniently left out of the arguments and accusations posed by my friends on the Republican side.

Mr. Speaker, I understand what the Republicans are trying to do here. It is crystal clear. They do not want to talk about the issues that matter to people. From the economy to the environment to immigration, they don't want to talk about those issues because a majority of the American people disagree with them. They don't want to talk about those issues because they have no ideas, nothing, nothing to offer. They don't even want to talk about ObamaCare anymore now that 8 million Americans have health coverage. They don't know what to do now, so they are coming up with these desperate attempts to try to create distractions. So this is what they are left with: sad little scraps of political nonsense that they keep trying to peddle as leadership.

Mr. Speaker, this rule and resolution are colossal wastes of time. They do nothing. They do nothing at all to try to ensure that the IRS is above politics. They do nothing at all to try to achieve any kind of justice or truth.

I urge my colleagues to vote “no” and to get on with the business of actually solving real problems that affect real Americans.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, it is amazing that those on the other side of the aisle would say this is trivial. This impacted American citizens. And I won't disagree that it may have impacted those on the left; but, to a greater extent, it impacted those on the right. And to Americans, one of the most powerful organizations there is in America is the IRS. They can instill fear into your heart when you get that letter. So when you have one that does something that is so outrageous as what they have done, it is not trivial, at least not to the people I represent.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Speaker, I thank the gentleman from Florida for yielding.

I am reminded of a passage in the Bible that you can see a speck of sawdust in your neighbor's eye but not the plank in your own.

We are talking about a resolution. Isn't it amazing that we have to go to a resolution to restore to the American people their faith and trust that they are quickly losing in the government because we will not finish the job. We will continue to backpedal. We will run around the edges, and we will try to put the spotlight someplace else.

This is not gender specific. This is not party specific. This has nothing to do with anything other than honesty and truth. To sit here and bloviate about something that doesn't really exist—oh, they are trying to move the spotlight somewhere else.

Well, I would invite all of you to go back to what it is when we came in here and took a pledge. It is not just a pledge, and it is not just a responsibility. It is an obligation to get to the truth. When we have to have a resolution asking the chief law enforcement officer of the country to appoint a special committee, how far have we fallen in the eyes of the people we represent?

Is there an issue here? Yes, there is. Are there things that have to be settled? Yes, there are.

A year ago, on May 10, I was 65. This Saturday, I will be 66. I have learned more about myself in the last year than the American people have learned about what the IRS had done to them. This covers all Americans. This is not a Republican issue. This is not a Democrat issue, a Libertarian, or an Independent issue.

Whenever we get to the point where absolutely defending the people we represent becomes secondary to a political agenda, then we have fallen far from where we were supposed to be. In this great House, so much has been decided on policy for the American people. Isn't it time to restore their faith and confidence in this model? And why we would sit back and scratch our heads and say: I don't know why our approval rating is so low. Maybe if we just answered the questions and answered them truthfully and were truly transparent, the American people wouldn't cast doubts on who it is that they elected to represent them.

I applaud this issue, and I applaud this resolution. Be it resolved that we will restore to the American people the trust and faith and confidence they have to have in their form of government.

Please, to talk about political maneuvering? We are making balloon animals and are trying to tell people: This is what you need to look at. Don't worry that we have taken away your personal freedoms and your personal liberties. That is not the issue. You see, the issue is, this November, we have got to get reelected.

So let's make it about something else. Let's turn it on gender. Let's turn it on pay inequality. Let's turn it on everything that we can possibly do and

turn the light away from what the problem is, and that is the loss of faith and confidence by the people of this great country in the most remarkable model the world has ever known and who everybody would love to emulate but they can't.

It falls on our shoulders, not as Republicans or Democrats, but as representatives of the people of this great country, to get the answers that they deserve. Let's stop the fooling around about things that don't really pertain to this, and let's get them the answer.

And again, we have to have a resolution asking the chief law enforcement officer of the United States to do his job? That is pathetic.

□ 1245

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I have great respect for the gentleman from Pennsylvania, but I think he has kind of highlighted kind of the differences between the two parties here. He mentioned that we are trying to focus attention on gender inequalities and other issues. We are.

I think there is something wrong when women in this country make 77 cents on every dollar a man makes. I think that is outrageous. I think women ought to be paid the same as men to do the same job. So, yeah, that is an issue, and that is something we should talk about. And it is not just a women's issue, by the way; it is a family issue.

The Senate sent us over an immigration bill that would reduce the deficit by \$900 billion over the next 20 years—\$900 billion. They did it in a bipartisan way. We can't even get a vote here. We can't even get a vote here in the House of Representatives.

There are millions of our fellow citizens who are unemployed and whose unemployment benefits have run out. We can't even get a vote to extend unemployment benefits for these people—maybe because they don't have a super-PAC, maybe because those aren't their natural constituencies. I don't know what the reason is. But those are important issues. And, quite frankly, yes, that is what the American people want us to be talking about—things that matter to them.

The problem with what we are doing here today, this is so blatantly politically motivated, even in terms of the scope of the investigation, that it just is laughable. It is laughable.

Listening to the debate in the Rules Committee last night amongst those on the Oversight Committee, the back and forth, and realizing how broken that committee is, how partisan that committee has become because of the leadership in this House, it is really sad.

No one here is defending the IRS. No one here is defending Lois Lerner. But what we don't want to do is trample on the Constitution, and we don't want to unnecessarily politicize these proceedings, which is what is happening right now.

Mr. Speaker, at this time, I would like to yield 4 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Speaker, I thank my good friend, Mr. MCGOVERN from Massachusetts, a distinguished member of the Rules Committee, with whom I spent 5 hours last night. I wish my friend Mr. KELLY were still here on the floor because he reminds us we take an oath when we become a Member of Congress and at the beginning of every new Congress to defend and protect the Constitution of the United States. We don't take an oath to look at the best polling for our respective parties and pursue—no matter what—the issues that rile up our base.

At the Republican retreat earlier this year, two issues polled real well with their base: Benghazi and the IRS. Sadly, cynically, we are here today—irrespective of the constitutional rights of an American citizen who happened to be an IRS employee—bending and genuflecting at the altar of that polling data to fire up that base.

We are not here defending the Constitution, because if we were, we would be invoking our own history. There was a sad period known as the McCarthy era in this very body where constitutional rights of citizens—Federal employees and non-Federal employees—were trampled upon. The Fifth Amendment right is one of only 10 enumerated in the Constitution, and for a reason, because staying in the memories of our early colonists were the star-chambers that had occurred in Great Britain, the parent country, and even here. And they wanted to protect all citizens—innocent and guilty alike—from self-entrapment, from their own words being used against them in legal proceedings unfairly. They felt so passionate about it that it was one of only 10 enumerated rights in the Bill of Rights.

In the McCarthy era, there were some famous cases, *U.S. v. Quinn* being one of them, and another one, *Hoag*, in which the Supreme Court of the United States and District Courts of the United States found that an individual did not waive his or her Fifth Amendment rights simply because they had a prefatory statement proclaiming their innocence. As a matter of fact, in the *Hoag* case, Ms. Hoag actually participated at times in answering other questions, having already invoked her Fifth Amendment.

The standard is very high. If you have made it crystal clear that you intend to invoke your Fifth Amendment, it takes a lot to construe that has been waived. We Members of Congress who take that oath to the Constitution should err on the side of protection of constitutional rights, not simple waiver. But, of course, if our agenda isn't getting at the truth, if it is pandering to those two issues that polled so well with our base, Benghazi and IRS, then constitutional rights are incidental to the enterprise, and, sadly, that is what we are considering here today.

I don't think you have to be a Democrat or a Republican, a liberal or a conservative, to be concerned about protecting the constitutional rights of every citizen even for—and maybe especially for—non-heroic figures such as the woman we are dealing with today, Lois Lerner. Because when you trample on her rights, you have risked every American's rights. What is next? Who is next at the docket? While we are at it, when we are trampling the Fifth Amendment, what about the First? What about that sacred Second? What about the Fourth? What about any of those rights enumerated in the Bill of Rights?

This is not a noble enterprise we are about today, Mr. Speaker, and I urge this House to reject this rule and to reject the underlying contempt citation as not worthy of this body and not consistent with the oath each and every one of us takes.

Mr. NUGENT. Mr. Speaker, it is just interesting to hear the argument on the other side. I have spent 37, 38 years protecting people's rights. That is what I did. As a sheriff, we did things and lived within the law. We answered questions truthfully. That is all we are asking.

This is terrible that we have to get to this point, but at the end of the day, we are not taking her rights away. We are going to the court and asking the court, Are we right in our assumption in regards to what the House counsel had told us? Are we right? If we are not, they are going to tell us we are not.

So, she has due process. This whole thing about we are taking her due process away is just ludicrous. It doesn't make sense.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I just remind the gentleman that 32 legal experts have said that my friends are wrong. I would like to yield to Mr. CONNOLLY to clarify that.

Mr. CONNOLLY. I thank my friend. Thirty-two legal experts have the other point of view. And, furthermore, I just say to my friend, if the answer to the House of Representatives is that if you want your constitutional rights to be protected, hire a lawyer, we will see you in court, that is not the oath we took.

It starts and stops here. What is the constitutional protection of citizens here on the floor of the House of Representatives? To simply say go hire a lawyer is a terrible message in terms of constitutional rights protection to the citizens of this country.

Mr. McGOVERN. I reserve the balance of my time, Mr. Speaker.

Mr. NUGENT. Well, Mr. Speaker, I am not an attorney. That is what they say on commercials when somebody wants to give some legal advice: I am not an attorney.

What I will tell you from my past experience is that I can get attorneys' opinions on either side of an issue.

That is what they get paid to do. Whether they are paid or unpaid, they all have an opinion. It doesn't mean their opinion is the right opinion. It just means that they have an opinion.

With that, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Just so everybody is clear here, we are not just talking about any attorney. We are talking about legal scholars. Quite frankly, the overwhelming opinion is that my friends are overreaching here, and, again, it makes a mockery of this House and especially at a time when we ought to be doing the people's work.

Millions of our fellow citizens who are unemployed can't even get a vote on the House floor to extend unemployment benefits. These are the people we are supposed to represent. We are telling them, forget it, you are on your own. We have all these excuses why we can't bring that to the floor.

The minimum wage, we have people working full-time in this country who are stuck in poverty. My friends went after people on SNAP, the program that they like to target, a program that provides food to hungry people, and they say everybody ought to get a job. Well, the majority of able-bodied people on that program work, and they earn so little because wages are so low that they still are entitled to some benefit. If you work in this country, you ought not to be in poverty.

So, Mr. Speaker, on both this issue of unemployment and the minimum wage and on the issue of immigration, those are the things we ought to be debating here today. That is what the American people—that would be solving problems, not creating partisan political theater.

So, Mr. Speaker, I am going to ask people to defeat the previous question. If they do, I will offer an amendment to the rule to bring up legislation that would restore unemployment insurance and provide much-needed relief to countless families across this country.

To discuss our proposal, I would like to yield 2½ minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank my friend from Massachusetts for yielding.

Mr. Speaker, I urge my colleagues to defeat the previous question so that we can immediately bring up H.R. 4415, which would restore unemployment benefits to 2.8 million Americans, people who have lost their job and are simply trying to find their next job and want to prevent their families from losing everything they have worked for in that period.

I heard the gentleman on the other side say that folks on this side are trying to change the subject to something else. You have got almost 3 million Americans who stand to lose everything they have worked for, everything that they have built over their lifetime, and this Congress has the power

to act. We could do it today. The Senate passed an unemployment extension. The President will sign it.

On the other side, we heard that we don't want to take up UI because it is not paid for. So, we have a bill that the Senate passed in a bipartisan fashion that is paid for. It does not increase the deficit. You have got the bill you want. You have got the bill you asked for. It would save almost 3 million people from losing everything they have fought for.

Do we bring that to the floor? No vote on unemployment extension. We can talk about everything else, we can bring political messaging bills to the floor, but for the 2.8 million people who are losing everything, no vote for them, not in the House of Representatives today.

For the 72,000 people every week that are losing their unemployment benefits—hardworking Americans—some on the other side say they want to be unemployed. Yesterday, we had a group of unemployed citizens. We intended to have a hearing. We couldn't get a room. The Republican leadership wouldn't allow it. We went to the steps of the Capitol, and we heard these stories.

I suggest we take a look at the people in your own district, in your own districts back home who are unemployed, trying to find their next job, have lost their unemployment benefits, and look them in the face and tell them that the political messaging bills that are coming to this House are more important than preserving the life that these people have worked hard to create for themselves and their kids.

Some of the issues that we deal with in this House are really complex questions. Some of them are not so complicated. This is one that is simple: 2.8 million people could be helped only if this Congress will act.

Set aside this nonsense. Bring up H.R. 4415, and let's get back to the business of the American people.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of the rule. Now, I think tyranny is worth discussing because when we look at what we are here to do today, it is to declare Lerner in contempt.

There is nothing more uniquely un-American than abusing the public's trust to target fellow countrymen based on their political beliefs. This is something—when you target your political enemies—that Lerner did and the IRS did, and you reward by expediting the President's own political operation. So you punish your enemies and you reward your friends—this is Soviet-style governance.

I would think everyone on both sides of the aisle would be very, very vociferous in opposition to what the IRS was doing to the American public. We only hear criticism now from the other side of our proceeding. My friends on

the other side of the dais have, no doubt, viewed this as a partisan witch-hunt. But let there be no mistake: we would not be here today if Ms. Lerner had not conducted her own partisan witch-hunt.

□ 1300

What Lois Lerner did is completely un-American, and it undermines the very fundamentals of the principles of what this country is founded upon; and if we don't hold Lois Lerner accountable for her actions—and this is about accountability in the government—then we are sending a message to future administrations that this type of Nixonian behavior is acceptable. Let's not send that message.

Mr. MCGOVERN. Mr. Speaker, wow, when we talk about tyranny, I should remind the gentleman that you have two bills coming to the floor under a closed rule—absolutely closed. Nobody can offer any amendments. It is your way or the highway. They are absolutely closed.

When you talk about tyranny, we can't get a vote on the House floor on unemployment compensation. We can't get a vote on minimum wage. We can't get a vote on pay equities. We can't get a vote on immigration reform.

I don't know what the gentleman is talking about. I mean, it is our side, those of us on this side that can't get our voices heard. Last session, you had one of the most closed Congresses in our history, after you promised a wide-open, transparent process. You have just shut everything down.

Even the scope of what this bill is focused on is closed in a very partisan way to focus only on abuses that deal with potential rightwing groups, conservative groups, but you totally cut out any abuse that might have happened to a liberal group or a progressive group, so I don't know what the gentleman is talking about.

This is a closed process. We talk about democracy and that we need to promote democracy around the world. We need a little democracy here in the House of Representatives. We don't have any.

Let me just say one other thing here, Mr. Speaker. We had 39 experts—39 witnesses that were interviewed by the committee, 39. Not one single one indicated there was any link between the White House and the IRS mess, not one.

I mean, if there had been a few, I guess we could have a debate here about whether we need to go further, but not one. So here is the problem: their narrative doesn't fit the facts, and they are upset about it.

I get it. You were hoping for some juicy conspiracy that doesn't exist, so you have to create more investigations, more investigations, all the while, we are neglecting our work, our duty to the people of this country.

Yes, let's make sure that the IRS is above politics. I am all with you on that. I don't want them tagging any-

body for political reasons, and I am committed to that, and so is everybody on this side, but that is not what we are doing here.

This is witch-hunt week. Make no mistake about it because we are doing this today, and then we are doing Benghazi tomorrow. That is the theme of the week, and what a tragedy, what a tragedy when so much more needs to be done.

Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. POLIS), who is on the Rules Committee.

Mr. POLIS. Mr. Speaker, I concur with the gentleman from Massachusetts and appreciate his passion for his remarks.

This process is closed. Look, we have something that shouldn't be a controversial bill, extending the R&D tax credit, helping make American companies more competitive; and it has a cost, \$155 billion, so let's talk about how we pay for that cost, so we can provide the certainty that our companies need to hire more people and grow.

We have an idea. I was proud to offer an amendment with Mr. CÁRDENAS and Mr. GARCIA. It had a bipartisan pay-for. It passed the Senate with more than two-thirds majority. We have a bipartisan bill, H.R. 15, in the House. We were able to use that to pay for this tax cut, over \$200 billion.

Not only does our proposal, immigration reform, fully pay for the R&D tax credit, but it also reduces our deficit by \$50 billion, and guess what, we were denied a vote on our amendment. There weren't even any ideas from the other side about how to pay for it.

If they voted it down, they voted it, but let's have a discussion. If you don't like our way of paying for it, find another. No Member of this House is even allowed to propose a way of paying for things under this rule. It is a guaranteed recipe for Republican tax-and-spend deficit policies.

Mr. NUGENT. Mr. Speaker, I do have to go back to the comments that my good friend from Massachusetts mentioned. Now, I wasn't here in 2008, but if you look back at the history, the Democrats controlled this body and the Rules Committee in 2008.

When Congress considered a contempt resolution in 2008, the rules opted to hereby the resolution, preventing Members from even debating it or holding a vote on the measure on the floor. They just said: here we are, we are bringing it to the floor for debate and a vote.

It is pretty open to me.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Speaker, I thank the gentleman from Florida for yielding. I can't cover all of the issues that are being raised here today, but I do want to say this: I spent 7½ years as a criminal court judge in Tennessee before coming to Congress trying felony criminal cases, and so I have interest in this question about

the waiving of Fifth Amendment rights.

Let me just mention what some others have said about this. Alan Dershowitz of Harvard said Lois Lerner's statement of innocence opened a "legal Pandora's box. You can't simply make statements about a subject and then plead the Fifth. Once you open the door to an area of inquiry, you have waived your Fifth Amendment right; you've waived your self-incrimination right on that subject matter."

Paul Rothstein, a well-respected law professor at Georgetown University—and both of these gentlemen are very, very liberal politically. Professor Rothstein said of Lois Lerner, that she "has run a very grave risk of having waived her right to refuse to testify on the details of things she has already generally talked about. She voluntarily talked about a lot of the same things that lawmakers wanted to ask her about in her opening statement. In that situation, when you voluntarily open up the subject they want to inquire into and it is all in the same proceeding, that would be a waiver."

Cleta Mitchell, a lawyer who specializes in ethics laws stated, "Lois Lerner came before the House Oversight and Government Reform Committee. She gave an opening statement in which she said, 'I'm not guilty, I haven't done anything wrong.' The second way in which she waived her Fifth Amendment privilege was when she voluntarily, willingly, agreed to meet with the Department of Justice lawyers. To me, this is a pretty clear case of how she has waived her Fifth Amendment rights not to testify and not to answer questions. She just is being selective, and the one place she will not answer questions is with anyone that she thinks might ask her hard questions."

Hans von Spakovsky of The Heritage Foundation, another legal expert, said, "Under the applicable rules of the Federal courts in the District of Columbia, the interview she gave to prosecutors meant that she waived her right to assert the Fifth Amendment."

The SPEAKER pro tempore (Mr. HULTGREN). The time of the gentleman has expired.

Mr. NUGENT. I yield 30 seconds to the gentleman.

Mr. DUNCAN of Tennessee. If we allow somebody to come in and say they are not guilty—repeatedly say they haven't done anything wrong, if we allow people to say that and do that in these types of proceedings and then plead the Fifth, we are making a mockery of the justice system and making a mockery of the Fifth Amendment privilege in this country.

Last, I would just say this: there has been some mention about some liberal groups being targeted. There were over 200 conservative groups audited and targeted and investigated in this investigation. I think there were three that might have been classified as liberal.

It was so obvious what was intended by the IRS activities in this situation,

and so I support this rule and support the underlying resolution.

Mr. MCGOVERN. Mr. Speaker, I respect the comments of my friend, but I think the talk he just gave supports one of the points that we have been trying to make here, and that is we have 39 legal experts, former House counsels, who basically say that what my friends are doing here today are trampling on Ms. Lerner's constitutional rights.

It would seem to me that, if you wanted this whole circus to be a little bit more legitimate, that you would have agreed to what Chairman CUMMINGS had asked for, which was a hearing to bring in legal experts to actually talk about the merits of this before kind of rushing to the floor with this purely partisan bill.

The second thing I would say to my friend from Tennessee is, when you talk about the number of liberal groups targeted, one of the reasons why we are not talking about liberal groups being targeted here is because the majority kind of stacked the deck.

They formed the rules. They only want to focus on conservative groups, so that is why there is even more evidence of the fact that this is a purely partisan exercise.

I just want to say, so my colleagues are clear, not one witness—not one single witness interviewed by the committee identified any evidence that political bias motivated the use of the inappropriate selection criteria.

The inspector general, Russell George, was asked at a May 17, 2013, hearing before the Ways and Means Committee, "Did you find any evidence of political motivation in the selection of the tax exemption applications?"

In response, the inspector general testified, "We did not, sir."

Oversight Committee staff asked all 39 witnesses whether they were aware of any political bias in the creation or use of inappropriate criteria. Not one identified even a single instance of political motivation or bias.

Look, there needs to be reforms to the IRS. We need to make sure that the IRS is above politics, but bringing this political circus, this witch-hunt, to the floor purely because it polls well amongst your base is ludicrous.

It is ludicrous because we should be focused on extending unemployment benefits for people who have lost their unemployment compensation. We should be raising the minimum wage. We should be passing immigration reform.

We should be dealing with the pay equity bill, so that women get paid the same amount as men do for working the same job.

It is also a family issue. We ought to be focused on getting this economy going; but instead, because my friends on the other side of the aisle don't have a clue on what to do, they are asking to look over here, let's do a distraction, let's do a diversion. I think this is outrageous.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I love the comments about McCarthyism as it relates to this particular issue, but really, McCarthyism is the IRS. The IRS is targeting American citizens who have done nothing wrong, who merely wanted to express their freedom of expression that is guaranteed by the Constitution. That is all they wanted to do.

We hear that there is a bunch of liberal groups that were caught up. I don't believe so. The record will reflect that there was less than half a dozen, while there were conservative groups of over 200 that were targeted. I think that is pretty compelling, and those are the facts. It is not just my thought. It is the facts.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me just say this because facts are important, Inspector General J. Russell George testified before the Oversight Committee that his audit did not look at the IRS be-on-the-lookout list with regard to progressive groups. That is what the inspector general testified, so let's stop this partisanship.

I would say to my colleagues, if my friends want to do this correctly, if they want to do this in a way that has some credibility, they ought to do this in a nonpartisan way.

It is really quite shameful that the Oversight Committee has become so polarized and so politicized and that this whole issue is being brought before us in this way that really, quite frankly, I think is beneath this House.

We ought to do a proper oversight, but not purely because it polls well or do it in a way that plays well with a political base. We ought to do it in the right way.

The IRS should not be involved with politics, period. Whether it is going after conservative groups or liberal groups, that is absolutely unacceptable, and we ought to make sure that doesn't happen, but that is not what we are doing here.

What we are doing here is a witch-hunt. This is the first witch-hunt bill of the week. We have several that we are going to be doing this week, and I think our time could be better spent on helping the American people get back to work.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, the minority is entitled to opinions, but not facts that just aren't so.

Our committee issued an extensive committee report, a staff report as to the targeting of conservatives. The minority offered no response, so the gentleman not on the committee might say something that just isn't so.

The targeting by the IRS was conservative groups. They were the ones that got the special treatment. They were the ones that were asked inappropriate

questions. They were the ones that Lois Lerner said she did nothing wrong about, but she did.

□ 1315

Mr. MCGOVERN. How much time do I have left?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) has 2½ minutes remaining. The gentleman from Florida (Mr. NUGENT) has 14½ minutes remaining.

Mr. MCGOVERN. I yield myself 30 seconds.

Mr. Speaker, the Committee on Ways and Means Democrats found out that there was extensive scrutiny of liberal progressive groups, groups that had names "Progressive," "Occupy," and "Acorn" in their name. That is the Ways and Means Committee. That just goes to show how partisan this process has become, how politicized it has become. This is beneath this House.

If you do oversight, it ought to be nonpartisan. This has turned into a circus. This has turned into a witch-hunt. Enough of this. Let's start doing the people's work.

I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, again, BOLOs were issued, be on the lookout, if you will, for conservative groups. Conservative groups were systematically denied, for more than 2 years, their approvals. Conservative groups were asked inappropriate and personal questions, things like where do you pray, things like what are your political views, and please show us your donor list, even though that was inappropriate.

The fact that the minority will allude to word searches to see how many of some application was out there is not about the inappropriate targeting and systematically withholding and mistreating of groups. That is what happened. That is what evidence is beginning to show Lois Lerner was at the heart of.

We are here today about contempt for somebody pleading a number of cases of what was right or what they did or didn't do, followed by taking the Fifth, then followed by answering questions having once waived and, thus, essentially waiving her rights.

Now, you can, after the fact, get 39 people to say one thing and somebody else can get 39 to say another. Today, we are trying to move contempt to the court system where an impartial judge can evaluate whether or not Lois Lerner should be ordered back to testify so the American people can know the truth about why she did what she did. What she did was target conservative groups. That is not in doubt. I don't want people using words like "circus" in order to confuse people.

Conservatives were targeted; that is clear. Lois Lerner has things to answer. She only answers the part she wants to, including before the Justice

Department but not before the U.S. Congress.

Mr. MCGOVERN. Mr. Speaker, may I ask the gentleman from Florida whether he has any additional speakers or whether the chairman will want to say any more.

Mr. NUGENT. I do not have any additional speakers, but go right ahead.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

This is a circus, and it is really sad that we are here on the floor debating this.

Just for the record, witnesses testified that progressive groups got a multitiered review and that liberal groups like Emerge went through a 2-year process before getting denied.

The other thing you ought to know is that the IRS has begun a path to reform. It has implemented all the inspector general's recommendations, including going above and beyond by eliminating BOLOs altogether.

Mr. Speaker, if this were done in a fair and professional manner, we wouldn't be having this controversy today, but the exact opposite happened in the Committee on Oversight. It was a joke. We all saw it on TV. Enough of this. Enough of this. Let's start doing the people's work.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment that I will offer into the record along with extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. This is on extending unemployment compensation benefits. It might be nice to do something that might help somebody around here, that might help the American people, instead of doing this witch-hunt, this week of investigations, this week of distraction, when our economy needs our attention, when people need jobs, when people's unemployment needs to be extended.

Mr. Speaker, I urge all my colleagues to vote "no" and defeat the previous question. I urge a "no" vote on this rule, which is a closed rule, two closed rules. Again, when we do oversight, it ought to be nonpartisan. This has become a partisan joke.

With that, I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself as much time as I may consume.

We have heard a lot today. It should concern the American people of what we have heard in regards to the allegations and the operations within the IRS.

You know, I regret, I really do regret that somehow this turned into a partisan shouting match. Both sides—both sides—are involved in this. I regret it because we have lost sight of the real issue: The IRS constituted a serious violation of public trust.

Mr. Speaker, this goes back to when I was sheriff, and I would sit there and have parents come in and complain about schoolteachers and the police officers that arrested their son or daughter for a violation of law, and they were more concerned about what were perceived as issues—in regards to how they were handled—versus the actual conduct of their child. This is the same thing.

We are blowing smoke all over the place trying to obscure the fact that the IRS—under the direction, we believe, of Lois Lerner, the involvement of her—violated Americans' rights across the board. Talk about McCarthyism. They have done it. They have the power to do it. They have the power to come in. If you remember the questions asked, they asked people about what they believed and what were their conversations, who they talked with. Was it an invasion of privacy? I think so.

The American people—and you have heard this from other speakers today—really need to have their faith restored that this government operates in a very open way, that people can trust government again.

No one should have to worry. No one—Republican, Democrat, Libertarian, or otherwise—should ever have to worry about their political speech having them singled out by the IRS. No one should have to worry about that. No one group should have to worry about the government worrying about their speech and having the ability to counter it in a way that brings officialness to it. How do you do that?

This is true, though, whether you are Republican, Democrat, conservative, liberal, or anything else. The point is we should be alarmed. This is what we are talking about today. We should be alarmed about the conduct of the IRS under the direction of Lois Lerner. We should be worried about that in the future, because that is the biggest single threat to America today is how our own government treats its people, Mr. Speaker. A Federal Government agency used its weight to bully Americans. That is not what America is all about, Mr. Speaker.

Make no mistake, though, that is exactly what happened. The IRS bullied people. We had someone last night testify about constituents in their district that wanted to promote an organization and do something, and they were bullied by the IRS until they finally said: You know what, I give up. I can't take it. I worry about what is going to happen because I know the IRS has the ability to do other things on my personal tax return and call it into question.

This is an extreme disservice to the American public. They really do deserve better. If we are ever going to right this wrong, we have got to find out what happened. We have to understand all the facts. And so my friends across the aisle really don't want to hear the facts. They talk about every-

thing else under the Sun, but they really don't want to talk about what happened.

You know, my good friend talked about this being trivial, doubling down on crazy. Well, I guess that you are talking about my constituents, because my constituents have that concern. They do have the concern because of what they have seen and what has been reported in the media by both the left and right media in regards to the overstepping of Federal investigation—the IRS—on groups.

I heard this called a circus. Well, that is what we are trying to get away from. We are trying to get away from this partisanship, and let's do what we are supposed to do. By appointing a special counsel, we are hoping to take politics out of it, because politics are on both sides of this issue. So to do that, you would appoint someone, a special counsel, to investigate. Let's take away the partisanship.

It is also important that people are held accountable for their actions. Ms. Lerner defied a lawfully issued subpoena, and there ought to be repercussions for that; otherwise, this is just for show. We really have no oversight ability if people just come and say: Oh, I am not going to tell you.

That is not how it works. That is not how it is supposed to work.

This rule brings this question to the floor, not like the Democrats did in 2008. This rule brings everybody to the floor where they can have an open debate and question and vote on what they think is right.

So I urge my colleagues to support this rule and the underlying legislation. We have the ability to get answers, because whether it is a Republican administration or a Democratic administration, the American people need to know that their government is going to be held accountable if they overreach. If they trample on my rights as a citizen, we should have the ability to know who is doing it and why, and there should be some redress.

Today it is really about we don't care. That is what we are hearing. There are all kinds of other issues, but we don't care about this. It doesn't matter that we sent numerous bills over to the Senate—we talk about job creation—that were passed bipartisanship here. The Senate has refused to take any action on that, has refused to bring it up, discuss it, debate it, amend it, and send it back. They have done nothing.

So we have the ability today to get politics out of it. Let a D.C. court make a decision. Let's do the right thing.

I urge all my colleagues to support this rule.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 568 OFFERED BY
MR. MCGOVERN OF MASSACHUSETTS

Amendment in nature of substitute:
Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4415) to provide for the extension of certain unemployment benefits, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means, the chair and ranking minority member of the Committee on Transportation and Infrastructure, and the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4415.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous

question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NUGENT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 4438, AMERICAN RESEARCH AND COMPETITIVENESS ACT OF 2014

Mr. COLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 569 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 569

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4438) to amend the Internal Revenue Code of 1986 to simplify and make permanent the research credit. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) 90 minutes of de-

bate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

POINT OF ORDER

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I raise a point of order against H. Res. 569 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Illinois makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Illinois and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Illinois.

□ 1330

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I raise this point of order not only out of concern for unfunded mandates, but to highlight the failure of Republican House leadership to protect the long-term unemployed, low-income citizens, and others who have lost their jobs through no fault of their own.

I raise this point of order because the bill before us would add \$156 billion to the deficit to provide permanent tax breaks for businesses while doing nothing for the 2.6 million Americans living with the constant nightmare of having no job, no food, no money, no lights, no gas, no college tuition money, and no unemployment check.

H.R. 4438 is 15 times the cost of helping the 2.6 million Americans who are looking for jobs that have been shipped overseas, jobs that have been downsized or outsourced, or jobs that simply do not exist. Please tell me, Mr. Speaker: What are they supposed to do?

H.R. 4438 would give \$156 billion in tax breaks for businesses but do nothing for the 72,000 additional Americans who lose benefits each and every week. An estimated 74,000 Illinoisans lost benefits on December 28, 2013, with 38,000 of these citizens living in Cook County alone. Forty-two thousand Illinoisans exhausted their benefits in the first 3 months of 2014. H.R. 4438 completely fails these Americans, many of whom stood on the Capitol steps yesterday pleading with Republican leadership to do the right thing. But the heartless response has been and continues to be refusal to help hard-working Americans struggling to provide food, shelter, clothing, and medical care for their families.