

FLOOR SCHEDULE FOR WEDNESDAY, MAY 7, 2014

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes"	3:00 – 4:00 p.m.	5:30 – 6:30 p.m.

**Members are advised that following last votes, the House is expected to debate H.R. 4438 and H.Res. 565, as well as H.R. 2548 and H.Res. 418 – under suspension of the Rules. Any recorded votes requested will be postponed until tomorrow.

H.Res. 568 – Rule providing for consideration of both H.Res. ___ – Resolution Recommending that the House of Representatives find Lois G. Lerner, Former Director, Exempt Organizations, Internal Revenue Service, in contempt of Congress for refusal to comply with a subpoena duly issued by the Committee on Oversight and Government Reform (Rep. Issa – Oversight and Government Reform) and H.Res. 565 – Calling on Attorney General Eric H. Holder, Jr., to appoint a special counsel to investigate the targeting of conservative non-profit groups by the Internal Revenue Service (Rep. Jordan – Judiciary) (One Hour of Debate). The Rules committee has recommended one Rule which provides for consideration of two resolutions.

For H.Res. ___, the Rules Committee has recommended a closed Rule that provides for 50 minutes of debate equally divided and controlled between the Chair and Ranking Member of the Committee on Oversight and Government Reform. The Rule allows no amendments, waives all points of order against the resolution and allows one motion to recommit, with or without instructions.

For H.Res. ___, the Rule also provides one motion to refer at the conclusion of debate offered by Rep. Cummings of Maryland. The motion to refer is debatable for 10 minutes equally divided between the offeror and an opponent.

For H.Res. 565, the Rules Committee has recommended a closed Rule that provides for 40 minutes of debate equally divided between and controlled Chair and Ranking Member of the Committee on Judiciary. The Rule allows no amendments, waives all points of order against the resolution and does not allow a motion to recommit.

The GOP Majority has shut down the process and bypassed regular order by disallowing all other motions that would otherwise be available to every Member of the House on a resolution of privilege. In addition, the Rules Committee rejected a motion by Ms. Slaughter of New York to consider both resolutions under an open Rule. **Members are urged to VOTE NO.**

H.Res. 569 – Rule providing for consideration of H.R. 4438 – American Research and Competitiveness Act of 2014 (Rep. Brady (TX) – Ways and Means) (One Hour of Debate). For H.R. 4438, the Rules committee has recommended a closed Rule that provides for ninety minutes of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Ways and Means. The Rule allows one motion to recommit, with or without instructions, and it also waives all points of order against the legislation. **Members are urged to VOTE NO.**

H.Res. ___ – Resolution Recommending that the House of Representatives find Lois G. Lerner, Former Director, Exempt Organizations, Internal Revenue Service, in contempt of Congress for refusal to comply with a subpoena duly issued by the Committee on Oversight and Government Reform (Rep. Issa – Oversight and Government Reform) (50 Minutes of Debate). This resolution would hold Lois Lerner, former Director of the IRS Exempt Organizations, in contempt of Congress for refusing to testify before the House Committee on Oversight and Government Reform, despite exercising her rights under the Fifth Amendment of the Constitution.

On May 22, 2013, despite Congress's longstanding practice of permitting a witness to assert the Fifth Amendment through counsel in lieu of appearing at a hearing to do so, Oversight and Government Reform Committee Chairman Darrell Issa forced Lois Lerner to appear before the Committee pursuant to his subpoena. At the hearing, Ms. Lerner asserted that she had broken no laws before she invoked her Fifth Amendment right to not testify. Before the hearing ended, Chairman Issa raised concerns that her profession of innocence effectively "waived" her rights and recessed the hearing to consider the issue. After disregarding Ranking Member Cummings' letter requesting a hearing with experts on

the Fifth Amendment, he then forced a party-line vote on June 28, 2013, to adopt a resolution concluding that Ms. Lerner had indeed waived her Fifth Amendment rights.

Chairman Issa then reconvened the recessed hearing, over 8 months later, on March 5, 2014, and, once again, ignored Ms. Lerner's counsel's letter stating that she would exercise her right not to testify, forcing her to appear before the Committee. Just as before, Ms. Lerner appeared at the hearing and refused to testify. As Chairman Issa rushed to end the hearing, he disregarded repeated requests for recognition by Ranking Member Cummings, silenced the Ranking Member's microphone, and drew his hand across his neck while ordering Republican staff to "close it down" – actions which are offensive and disrespectful, and do not reflect creditably on the House of Representatives. More than 30 independent legal experts have concluded that at that hearing, Chairman Issa botched the contempt procedure by not providing the witness with appropriate warnings, and, therefore, that any attempt to pursue criminal contempt will likely be dismissed by the court.

Chairman Issa has also scuttled an offer from Ms. Lerner's attorney for her testimony by refusing a request for a simple one-week extension. Every single Democrat on the Committee would have accepted this offer immediately. The Committee interviewed 39 people, reviewed more than 530,000 pages of documents, and the IRS has spent at least \$14 million so far, but there is no evidence to support Republicans accusations of a White House conspiracy in the screening of tax exempt applicants.

The Issa contempt resolution is nothing more than a politically motivated, election-year ploy. House Republicans should stop wasting millions of dollars on these election-year politics and focus on issues that matter to the American people, like job creation, immigration reform, and the minimum wage.

Once again, Republicans are turning what should be a routine matter, in this case vigorous Congressional oversight of the Executive branch, into a pointless partisan confrontation. In doing so, they are also challenging one of the chief tenets of the Bill of Rights – which potentially endangers the freedom of all Americans. Rather than wasting time on a partisan contempt resolution that dozens of independent experts warn will be thrown out of court, Congress should make public all 39 interview transcripts of IRS and Treasury employees who identified absolutely no White House involvement or political motivation in the screening of tax exempt applicants.

Members are urged to VOTE NO.

Bill Text for H.Res. ___:

[PDF Version](#)

Background for H.Res. ___:

[CRS Report](#): Congress's Contempt Power and the Enforcement of Congressional Subpoenas: Law, History, Practice, and Procedure

Begin Consideration of [H.Res. 565](#) – Calling on Attorney General Eric H. Holder, Jr., to appoint a special counsel to investigate the targeting of conservative non-profit groups by the Internal Revenue Service (Rep. Jordan – Judiciary) (40 Minutes of Debate). This resolution would urge Attorney General Eric Holder to appoint a special counsel to investigate the alleged targeting by the IRS of conservative nonprofit groups. It expresses, among a number of allegations, the sense of the House that the Justice Department and Administration have a conflict of interest in the current investigation, and that further investigation is warranted because of "apparent criminal activity" by former IRS official Lois Lerner. Independent experts have found that these claims of an alleged conflict of interest do not pass legal muster.

In addition to the Justice Department's on-going investigation into the IRS's targeting of certain nonprofit groups, the Treasury Inspector General for Tax Administration (TIGTA) released a full report last May which detailed the inappropriate actions taken by the IRS. Since then, Chairman Issa has held numerous hearings and conducted 39 interviews with IRS and Treasury officials – none of which have uncovered any evidence of White House involvement or political motivation in the IRS screening of tax-exempt applicants.

Rather, the evidence shows that a self-described "conservative Republican" manager in the Cincinnati office of the IRS oversaw the employees who first developed the inappropriate search terms identified by TIGTA, and that those search terms applied to groups across the political spectrum, including those with the words "progressive" and "occupy" in their names.

Similar to the resolution to hold Ms. Lerner in contempt of Congress, this is simply more politically motivated, election year gimmickry. It is simply the next step in House Republicans' efforts to keep the political issue in the spotlight, having already passed the partisan Stop Targeting of Political Beliefs by the IRS Act in February, and continuing to hold hearings and waste millions of taxpayer dollars on

the issue—none of which showed any evidence that the IRS was targeting political “enemies” on behalf of the Administration. Rather than work in a bipartisan manner to address managerial problems in the IRS' tax exempt division, which Oversight and Government Reform Democrats have repeatedly stated they wish to do, House Republicans are determined to make this a partisan issue, reducing the chances that genuine reform can be achieved. **Members are urged to VOTE NO.**

Bill Text for H.Res. 565:

[PDF Version](#)

Begin Consideration of [H.R. 4438](#) – American Research and Competitiveness Act of 2014 (Rep. Brady (TX) – Ways and Means) (90 minutes of debate). This bill would make the research and development (R&D) tax credit, which expired with the rest of the most recent tax extenders package at the end of calendar year 2013, permanent. The Joint Committee on Taxation (JCT) estimates that this permanent extension will add \$155 billion to the deficit over 10 years, and Republicans have chosen to bring the bill to the Floor without providing an offset.

The R&D tax credit is the first of six permanent corporate tax extender bills approved by Republicans on the Ways and Means Committee. These six bills taken together would add \$310 billion to the deficit over the next decade – 13 times the amount that it would cost to renew emergency unemployment insurance for the entire year. It is hypocritical of House Republicans - who have let emergency unemployment insurance expire for more than 2.5 million Americans, refused to provide a permanent fix to the sustainable growth rate (SGR) for Medicare payments to doctors, and failed to replace the irrational, across-the-board spending cuts imposed by the sequester all on arguments over offsets - to bring this bill to the Floor without paying for it.

House Republicans are attempting to justify this lack of a pay-for with the incorrect assertion that tax cuts pay for themselves. In fact, many economists, including former Federal Reserve Chairman Alan Greenspan and Bush Administration Secretary of the Treasury Hank Paulson have stated that this is simply not the case.

This bill also ignores the many other bipartisan priorities in past tax extenders packages, choosing instead to move R&D by itself. This puts several tax provisions that benefit middle class and low income Americans - like the state and local sales tax deduction, the \$250 deduction for teachers who purchase supplies for their classroom, as well as incentives for renewable energy, education, and dozens of others - at risk of not being renewed. The bill also puts in doubt the future expansion of key refundable tax credits that expire in 2017, like the Child Tax Credit and Earned Income Tax Credit.

Budget Committee Chairman Paul Ryan has said that, “The people deserve a government that works for them, not one that buries them in more debt.” Unfortunately, bringing permanent, unpaid-for tax cuts to the Floor does exactly the opposite. The White House agrees and has issued a SAP stating that the President would veto this bill. If House Republicans are serious about fiscal responsibility, they should work with Democrats to find a bipartisan way to pay for making the R&D tax credit permanent, as well as other priority tax extenders, in a way that does not add to deficits and limit our ability to make the investments needed for businesses to continue to innovate, grow, and create well-paying jobs. **Members are urged to VOTE NO.**

Bill Text for H.R. 4438:

[PDF Version](#)

Background for H.R. 4438:

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

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

[CRS Report](#): Research Tax Credit: Current Law and Policy Issues for the 113th Congress

Suspensions (4 bills)

- 1) [H.R. 863](#) – To establish the Commission to Study the Potential Creation of a National Women’s History Museum Act, as amended (Rep. Carolyn Maloney – Natural Resources/House Administration)
- 2) [H.Con.Res. 83](#) – Authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha I (Rep. Gabbard – House Administration)
- 3) [H.R. 2548](#) – The Electrify Africa Act of 2014, as amended (Rep. Royce – Foreign Affairs/Financial Services)
- 4) [H.Res. 418](#) – Urging the Government of Burma to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minority groups within Burma, as amended (Rep. McGovern – Foreign Affairs)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Thursday, May 8: The House will meet at 12:00 p.m. for legislative business. The House is expected to consider the Republican Resolution Establishing a Select Committee on Benghazi. The House is also expected to begin consideration of [H.R. 10](#) – Success and Opportunity through Quality Charter Schools Act (Rep. Kline – Education and the Workforce) (Subject to a Rule). Additionally, the House is expected to consider [H.R. 4366](#) – Strengthening Education through Research Act, as amended (Rep. Rokita – Education and the Workforce) – under suspension of the Rules.

The Daily Quote

“House Republicans had a plan this week: Show a more workable side to Congress by highlighting a charter-schools bill written and passed together with Democrats. The timing was good. Not only is it National Charter Schools Week, but Mother’s Day is Sunday. Yet the message may be trampled as House leaders also take up measures relating to the IRS investigation and the Benghazi attack, both combustible partisan issues. The move has Democrats—and some Republicans—complaining that the schools bill, and the cohesion it represents, now appears to be an afterthought... Some Republicans have also complained about the timing and the mix of legislation GOP leaders are bringing to the floor this week, saying the schools bill is sure to be drowned out. ‘We’re burying in all of this stuff one of the first significant bipartisan pieces of legislation this Congress has been able to do,’ complained one senior House GOP aide.”

- National Journal, 5/6/2014