NUCLEAR NEGOTIATIONS WITH IRAN

(Mr. DUFFY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUFFY. Mr. Speaker, I rise today to express my concern for the administration's nuclear negotiations with Iran.

This administration has a questionable track record on diplomacy. Just 3 weeks ago, it put five Taliban commanders back on the battlefield. We are witnessing an unraveling of our hard-fought gains in Iraq because of the administration's inability to negotiate a status of forces agreement before our withdrawal of troops. Syria is in flames; al Qaeda is on the move; the Taliban are resurgent in Afghanistan as we talk about a drawdown. And the list goes on, Mr. Speaker.

The administration has, time and time again, demonstrated terrible judgment when it comes to foreign policy. There are real concerns by experts who have testified in front of the Foreign Affairs Committee that the deal in regard to Iran's nuclear weapons not just leaves the region, but the United States, less safe.

Mr. President, put down the pool cue, pick up the map, find your way to Capitol Hill, and let's work together to make sure we don't have a nuclear Iran.

LET'S BE CLEAR ON IMMIGRATION POLICY

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUTZMAN. Mr. Speaker, today I rise out of an overwhelming concern for young people and children in Central America.

President Obama has a habit of saying to Americans, ''Let me be clear.'' I wish desperately he would be clear with the thousands of Central American families who have not yet tried to cross our border.

In 2012, the President announced he would not enforce the law with regard to 800,000 young people who crossed our border illegally. Predictably, families and dangerous smugglers got the message.

Detention centers in our Southwestern States are overflowing. The photos and stories of the traveling and living conditions of these kids is heartbreaking to see and to hear.

Tragically, the administration doubled down on Sunday, when Homeland Security Secretary Jeh Johnson promised more executive action and refused to say new arrivals would be returned. This ambiguous approach created the crisis in the first place. Without clarity, more suffering will assuredly follow.

Mr. Speaker, I wish the President would consider the consequences of his disregard for the rule of law and be clear with would-be legal immigrants.

FOREST SERVICE GROUNDWATER RESOURCE MANAGEMENT DIRECTIVE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, recently I joined fellow lawmakers in sending a letter to the U.S. Agriculture Secretary concerning the U.S. Forest Service's proposed groundwater resource management directive.

Similar to a large number of other proposals stemming from this administration, the directive seeks to further federalize water resources at the expense of State authority and private property rights. Additionally, it will unnecessarily interfere with State and private water rights, along with other activities.

Furthermore, the directive was proposed without State or local input, which will encourage litigation and potentially interfere with the adjacent State, local, and private land and water rights.

In Pennsylvania's Allegheny National Forest, 93 percent of the subsurface rights are privately owned, which means the consequence of this directive could even be more complicated and threatening to private property and water rights.

Mr. Speaker, the mission of the Forest Service is to sustain the health, diversity, and productivity of the Nation's forests. Unfortunately, this policy will achieve little or no environmental benefit while it, at the same time, undermines the agency's statutory obligation to manage these lands.

The Forest Service should withdraw this ill-timed and punitive directive.

NEGATIVE EFFECTS OF EXCESSIVE MEDICAL EQUIPMENT AUDITS

(Mrs. ELLMERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ELLMERS. Mr. Speaker, I rise today to speak about the excessive audit system that exists for our medical equipment providers that provide essential medical equipment for our seniors across this country. It is negatively affecting them and their businesses. These businesses provide essential services and education to our seniors and Medicare patients.

It is important to point out that this practice was put in place because of the fraud and abuse that existed within the system; but rather than targeting fraudulent practices, they are targeting people playing by the rules and are being punished because of the bad actions of a few of the bad actors.

One example is a business in my community that provides essential health care to Medicare and senior patients, providing oxygen and hospital beds, which are essential, basic equipment. They have been audited 50 percent of the time.

This is a practice that has to end; and I am introducing legislation tomorrow that will address this issue, reform the system, and get to the point of really addressing the fraudulent practitioners that need the reform.

PROVIDING FOR CONSIDERATION OF H.R. 5016, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2015, AND PROVIDING FOR CONSIDERATION OF H.R. 4718, BONUS DEPRECIATION MODIFIED AND MADE PERMANENT

Mr. COLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 661 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 661

Resolved, That (a) at any time after adoption of this resolution the Speaker may, 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. 5016) making appropriations for financial services and general government for the fiscal year ending September 30, 2015, 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 and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or clause 5(a) of rule XXI are waived except for section 627.

(b) During consideration of the bill for amendment—

(1) each amendment, other than amendments provided for in paragraph (2), shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment except as provided in paragraph (2);

(2) no pro forma amendment shall be in order except that the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate; and

(3) the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

(c) When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, 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.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4718) to amend the Internal Revenue Code of 1986 to modify and make permanent bonus depreciation. 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, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, 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) one hour of debate 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.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The gentleman from Oklahoma is recognized for 1 hour.

Mr. COLE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from New York (Ms. SLAUGHTER), 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. COLE. 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 Oklahoma?

There was no objection.

Mr. COLE. Mr. Speaker, on Wednesday the Rules Committee met and reported a rule for consideration on two measures: H.R. 5016, the Financial Services and General Government Appropriations Act, and H.R. 4718, that would permanently extend the bonus depreciation.

The resolution provides a modified open rule for consideration of H.R. 5016 so that all Members have the opportunity to come to the floor and offer any amendment to the bill that complies with House rules on this important piece of legislation.

The resolution also provides a closed rule for consideration of H.R. 4718, and provides for 60 minutes of debate equally divided between the chairman and ranking member of the Committee on Ways and Means. In addition, the rule provides for a motion to recommit.

Mr. Speaker, a little over 2 months ago, I was pleased to present the House the rule for consideration of the first two appropriations bills. This rule will provide for the consideration of the eighth appropriations bill by the House.

In the Appropriations Committee, we have already reported out 10 of the 12 required appropriations bills and are moving closer to finishing the two remaining bills. Contrast this with the other body, where they have yet to pass even a single appropriations measure.

Mr. Speaker, the Financial Services Appropriations bill maintains the fiscal discipline agreed to as part of the Bipartisan Budget Act of 2013 that this country desperately needs. While the President requested an additional $1.7 billion over fiscal year 2014-enacted levels, this bill actually funds these programs at $566 million less than last year's level.

In addition, this bill maintains a number of important funding restrictions over the IRS. Given their unconscionable targeting of conservative organizations and their deliberate stonewalling of legitimate inquiries by the Ways and Means and Oversight and Government Reform Committees, these funding prohibitions are necessary and appropriate.

In addition, Mr. Speaker, this resolution provides for consideration of H.R. 4718, which permanently extends bonus depreciation. During this extended time of sluggish economic growth, it is important for the Congress to pass legislation that will encourage our job creators to do just that—create jobs.

An analysis by the nonpartisan Tax Foundation found that permanent bonus depreciation would actually grow the economy by 1 percent, adding $182 billion to the economy; increase the capital stock by over 3 percent; increase wages by about 1 percent; and create 212,000 new jobs.

□ 1245

Since its creation in 2002, this credit has routinely been extended on a bipartisan basis. It is important that we do so again today.

Mr. Speaker, I want to commend Chairman ROGERS for making good on his commitment to ensure orderly and timely consideration of appropriations bills. I also want to commend Chairman CAMP for examining the Tax Code, ensuring we can provide the tax certainty that so many businesses need in order to make investment decisions that benefit us all.

I urge support of the rule and the underlying legislation. And with that, Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I first want to thank the gentleman from Oklahoma (Mr. COLE), my good friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, today we are breaking a record yet again for the most closed Congress ever. The majority has broken their own record for the most closed Congress in history. Again and again, they have wasted time, money, and energy on legislative proposals designed to distract us from the problems at hand. And that certainly is true today.

The American people are hoping that Congress will create jobs, expand educational opportunities, and support working families, but instead, we insist on spending millions of dollars on investigating made-up scandals and adding billions and billions to the deficit.

Today we have one rule for two bills: first, the bonus depreciation bill, and, second, the Financial Services Appropriations bill, two bills with nothing in common except to highlight the majority's insistence of choosing policy over people.

Now, H.R. 4718 would make bonus depreciation permanent. This is a policy that maybe you have never heard of, but it is a policy that used to be bipartisan and still would be on a 1- or 2-year basis, like the Senate has proposed. It is designed as a temporary measure, and I emphasize ''temporary'' because if it isn't temporary, it is not effective.

Bonus depreciation gives businesses an extra large immediate tax deduction for a portion of the cost of investments in equipment. Instead of spending more of the deduction over future years, it incentivizes purchasing equipment now in order to provide an immediate boost to the economy, instead of in the future when the incentive may not be available.

And that is how it has always temporarily worked. But if we make it permanent, then the taxpayers are simply subsidizing the cost of the equipment that businesses would need to purchase anyway.

My good friend from Oklahoma (Mr. COLE), who is as good a businessman as he is a Congressman—and that is saying a lot—said yesterday that in 2003, his small business went out and bought $100,000 worth of computers specifically because he could take advantage of the bonus depreciation, which was in place and was a very smart thing for him to have done. And that is exactly how bonus depreciation is supposed to work.

Mr. COLE knew computers would be cheaper at that time than in a year or two, when the tax credit would have expired. So he spent the money on equipment. And that surely helped the economy, and I am sure it created some jobs.

But why would Mr. COLE buy the computers immediately if he knew the tax credit would be there forever? He wouldn't, I don't believe. We will talk about that later.

This tool was put in place between 2002 and 2005, at 30 percent and then at 50 percent. It was reenacted in 2008 and then extended four times, often as part of a larger stimulus package, most recently at 50 percent. That expired at the end of 2013.

Now, when enacted as a temporary measure, there has been bipartisan support. However, the bill we have before us intends to make it permanent, completely negating the purpose of the bonus depreciation as a temporary measure.

The nonpartisan Congressional Research Service looked into the change, and they said, ''Its temporary nature is critical to its effectiveness'' and that bonus depreciation ''was enacted for a specific, short-term purpose.''

Mr. Speaker, I would like to now insert the Congressional Research Service's report, ''Bonus Depreciation: Economic and Budgetary Issues,'' from March 24, 2014, into the RECORD.

[From Congressional Research Service, Mar. 24, 2014]

BONUS DEPRECIATION: ECONOMIC AND BUDGETARY ISSUES

(By Jane G. Gravelle, Senior Specialist in Economic Policy)

SUMMARY

The Tax Extenders Act of 2013 (S. 1859), which would extend expiring tax provisions for a year, includes bonus depreciation. The temporary provisions enacted in the past for only a year or two and extended multiple times are generally referred to collectively as the ''extenders.'' One reason advanced for these temporary provisions is that time is needed to evaluate them. Most of these provisions, however, have been extended multiple times, and some suggest that these provisions are actually permanent but are extended a year or two at a time because permanent provisions would significantly increase the costs in the budget horizon. Historically, bonus depreciation has not been a traditional ''extender.''

Bonus depreciation allows half of equipment investment to be deducted immediately rather than depreciated over a period of time. Bonus depreciation was enacted for a specific, short-term purpose: to provide an economic stimulus during the recession. Most stimulus provisions have expired. Bonus depreciation has been in place six years (2008–2013), contrasted with an earlier use of bonus depreciation in place for three years. Is bonus depreciation temporary or permanent? The analysis of bonus depreciation differs for a temporary stimulus provision, compared to a permanent provision that can affect the size and allocation of the capital stock.

A temporary investment subsidy was expected to be more effective than a permanent one for short-term stimulus, encouraging firms to invest while the benefit was in place. Its temporary nature is critical to its effectiveness. Yet, research suggests that bonus depreciation was not very effective, and probably less effective than the tax cuts or spending increases that have now lapsed.

If bonus depreciation is made permanent, it increases accelerated depreciation for equipment, contributing to lower, and in some cases more negative, effective tax rates. In contrast, prominent tax reform proposals would reduce accelerated depreciation. Making bonus depreciation a permanent provision would significantly increase its budgetary cost.

Compared to a statutory corporate tax rate of 35%, bonus depreciation lowers the effective tax rate for equipment from an estimated 26% rate to a 15% rate. Buildings are taxed approximately at the statutory rate. Total tax rates would be slightly higher because of stockholder taxes. Because nominal interest is deducted, however, effective tax rates with debt finance can be negative. For equity assets taxed at an effective rate of 35%, the effective tax rate on debt-financed investment is a negative 5%. The rate on equipment without bonus depreciation is minus 19%; with bonus depreciation it is minus 37%.

If bonus depreciation is permanent, estimates of U.S. effective tax rates reflecting concerns that the U.S. rate is higher than that of other countries overstate the effective U.S. corporate tax rate; U.S. effective tax rates on equipment would be significantly lower than the OECD average.

Moving to permanent bonus depreciation is inconsistent with tax reform proposals made by the Wyden-Coats bill, the Senate Finance Committee Staff discussion draft, and Chairman Camp's proposal. All of these proposals would reduce the current accelerated depreciation for equipment.

The usual extenders cost a fraction of the cost of permanent provisions in a 10-year budget window, but bonus depreciation is a smaller fraction because it is a timing provision. A one-year extension costs $5 billion for FY2014–FY2024, less than 2% of the cost of $263 billion for a permanent provision.

Ms. SLAUGHTER. What the majority is fond of saying is that this bill would bring in $10 billion in revenue. And I heard it over and over again at the Rules Committee last night, that we are going to have $10 billion in revenue. But what they fail to say is that over 10 years, it is going to cost us $287 billion, nearly $300 billion, which could buy us a lot of high-speed rail, a lot of bridge infrastructure, a lot of highway work. But what we are now doing is a permanent subsidy to make tax cuts to every business that wants to buy equipment.

Now, the nonpartisan Joint Committee on Taxation scored this at $287 billion over 10 years. We are not making that up. The majority is cobbling together a piecemeal approach, and it will not work. We would love to have tax reform, we cry out for tax reform, but this isn't it.

To cap it all off, this is another closed rule. And let me say what that means. Even if a Member wanted to offer an amendment to pay for the nearly $300 billion cost of this bill—which is the rules under which we operate, you know, PAYGO—they wouldn't be allowed.

There are so many better things to spend that $300 billion on, the things that we really need in this country. But the closed rule ensures that it would stifle the debate and hijack the process. And, more than that, we know the Senate will not take this up.

So, once again, we are doing a bill that might make some people feel good but not if they think about it a little bit. Because even the businesses who are going to be prospering from the tax decrease are going to be responsible for the loss of $300 billion.

So with the second bill, which is H.R. 5016, the Financial Services Appropriations, the majority is cherry-picking which agencies to fund and which to strangle for purely political purposes. They will continue chasing down the all-but-defunct IRS conspiracy rabbit, getting funding for the IRS but making it so that $2 billion worth of the tax revenue will not be collected because they have cut the budget of the IRS so much. So add that $2 billion to the $300 billion that we are voting on today for depreciation, and add that onto the deficit, too, since it is not paid for.

In addition, as the majority crisscrosses the country touting states' rights, they have also put forward legislation that obstructs, once again, the District of Columbia's home rule by restricting funding for constitutionally protected medical care. The majority insists on ensuring that women are second-class citizens, and they continue to chip away at our constitutional rights.

Furthermore, this bill continues to prevent multi-State policies under the Affordable Care Act from providing coverage for abortions under the Federal Employees Health Benefits program, except in the most desperate of circumstances.

We need to say over and over again that, of the women in this country who are using birth control, 58 percent—more than half of them—are using it for medical reasons. And they are being deprived. Mr. Speaker, 58 percent of the women in this country who are using prescription contraception are using it because they have medical issues, and it is expensive. But we will not let them get any help because we simply don't believe in providing health care for women.

Government workers deserve the same benefits and the same access to comprehensive health care as those in the private sector enjoy. It is, in fact, dangerous for the majority to target abortion care and require its exclusion from health insurance plans that include other important and necessary reproductive health services. Women expect and deserve the best health care and coverage that fits their needs.

And let's remember that 58 percent of the women who use oral contraceptives use them for medical purposes, not just for birth control.

I would like to be able to say that women should expect their government to be able to put their health and safety above election-year politics, but this is what we have come to expect here. Women deserve better. But I am afraid in the House, women's rights, again, continue to be undermined. Time and again, we have prioritized in this House—some of us—politics over people.

Let me mention the veterans, for example. Listen to this. This is really important to know. While those veterans who have served and sacrificed for our country are waiting months in line for medical care, the House majority will spend more money investigating and trying to debunk a nonexistent Benghazi scandal than helping our veterans get the care they need. That is right. The committee investigating Benghazi has a much larger budget than the Veterans' Affairs Committee. If that is not a political statement, I don't know what is.

And I need to point out that just yesterday, transcripts from the Armed Services Committee about Benghazi proved that everything that could have been done was done.

And I know that when I last did the rule on the floor on the special Benghazi committee that I received a call from the mother of one of the Navy SEALs that died, saying that she really wished the Congress would stop dragging their family back through that horror. They know what happened.

Instead of working on the real problems—and we have got them—they are finding time to sue the President for doing his job, to hold vote after vote to repeal ObamaCare. And let's remember the shutdown of the government that took $24 billion in that short time out of this economy.

So we come here to make things better. And with these actions and with this behavior, we make things worse.

I urge my colleagues to vote ''no'' on the rule, and I reserve the balance of my time.

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

As usual, my friend is a sharp and acute debater and makes points over a broad number of issues.

I do want to say, for the record, I am not such a great businessman, but I have a great business partner who has been my partner for 25 years. She is the managing partner. She made the call. And I have been very fortunate to be friends and partners with her for many, many years.

I think she probably moved as quickly as she did because she didn't think the government would have the good sense to keep this open. But the fact is, under both Republicans and Democrats, we have done bonus depreciation. When my friends were in the majority, they continued to routinely extend it themselves.

And after more than a decade, it has become, frankly, pretty much a permanent feature of our Tax Code. Now it is not so permanent that you can absolutely rely on it in the business sense. But I still accept the argument, after something that has been repeatedly confirmed by both sides, and both sides have repeatedly extended it and made it effectively permanent, we ought to go ahead and provide business with that certainty. Again, we will have a debate on that, and that is appropriate.

The second point I want to discuss, where I do differ with my friend a little bit: look, we always quibble no matter who is in the majority over how open the process is and how much the minority is allowed to participate in it. When we do that, we usually need to remember, if we are in the minority, what our record was when we were in the majority.

I want to remind my friends on the other side that throughout the 111th Congress, the final 2 years of their time in the majority, the House never considered a single bill under an open rule. That is the definition of a closed process. On the contrary, under Republican control, the House has returned to the consideration of appropriations bills under an open process, with 22 open rules.

Again, I was on the Appropriations Committee when my friends took the opportunity that every Member enjoys, to come down and participate in the appropriations process, away from everyone—their side and our side alike.

Additionally, the Congress has allowed under our control more than 1,000 amendments to be offered on the House floor, including a total of 488 amendments offered by Democrats and another 137 bipartisan amendments. Forty percent of all submitted amendments have been made in order. Compare that to our friends, who made only 17 percent in order under their majority regime in the 111th Congress.

So when you actually compare the record of the Republican majority to the most recent Democratic majority, any fair analysis would show that Republicans are running a far more open and transparent House. I think that is something that my friends need to recall when they raise this particular critique.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I want to thank my good friend from New York for yielding and for her work on this rule.

Mr. Speaker, A Congress controlled by Members trying to reduce the Federal footprint at every turn ought to be the first to reject two amendments in the Financial Services appropriation, which fly in the face of their own core philosophy.

First is the abortion amendment that would keep the District of Columbia from spending its own local funds on abortions for low-income women.

□ 1300

Mr. Speaker, 17 States that are represented in this House spend their own local funds in this way, and we are determined to fight until the district's low-income women have the same reproductive health rights as the women who live in those 17 States.

There is a second bill—a second amendment that targets the District of Columbia and its marijuana decriminalization law at the same time that the States are rapidly moving in the same direction.

Eighteen of them, before the District even got there, have decriminalized marijuana. Two States have legalized marijuana, 23 States have legalized medical marijuana, and a recent Pew Research poll found that more than half of the American people support marijuana legislation.

Mr. Speaker, this amendment that targets the District of Columbia is authored by Representative ANDY HARRIS of Maryland. Maryland is one of the States that has decriminalized marijuana.

Now, he couldn't convince his own State, where the voters are accountable to him, not to decriminalize marijuana.

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

Ms. SLAUGHTER. I yield the gentlewoman an additional 2 minutes.

Ms. NORTON. I appreciate the generosity of the ranking member.

He wants to come to this floor and try to convince this body, where not a single Member is accountable to the residents of the District of Columbia, that it should not allow the District to decriminalize its marijuana laws. I don't know why the Members from those 18 States have decriminalized, but let me tell you why they were decriminalized in the District of Columbia. They were decriminalized for racial justice reasons. We discovered, through a scientific study, that African Americans were eight times more likely to be arrested for marijuana possession than Whites, even though Whites and Blacks in the District of Columbia and in the United States of America use marijuana at the same rate.

Forty years ago, this Congress passed the Home Rule Act leaving local matters to the District of Columbia, just like your local matters are left home. We demand the same respect for local control for the District of Columbia residents who are full American citizens, like everybody else who represents people on this floor.

We demand that our American citizens have the same respect for their local control that on this floor, that every day, you demand for your own residents.

I thank the ranking member.

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

Mr. Speaker, I have enormous respect for my friend from the District of Columbia. She does a tremendous job representing her community, and she is an articulate and able Member of this body. It is true. We do have an unusual degree of authority as Congress over the Capital of the United States. That is a constitutional issue and an article I, section 8 issue.

Being the Capital brings great privileges and benefits to Washington, but it also, unquestionably, at times, brings some difficulties and some strains as well; so we all—whoever is in the majority—try to manage that as best they can.

In terms of the abortion issue, the language in this bill that applies to D.C., as I understand it, has been pretty routine under both Democrats and Republicans over the years, and so that is my understanding of that issue.

On the marijuana issue, the Federal prohibition here has existed for many years and was actually proposed in the President's budget. The amendment that was offered and adopted in the committee—and there was a very spirited debate about this by Dr. HARRIS—does add new language to prohibit local funds for recreational use of marijuana. The intent is to prevent D.C. from legalizing marijuana for recreational use.

D.C. has enacted a law which makes possession of small amounts of marijuana a civil offense, carrying a $25 fine, and that goes into effect later this month.

In November, D.C. may have a ballot initiative to legalize possession of

small amounts. I suspect this will be an ongoing discussion and concern between the Congress and the community.

Ms. NORTON. Will the gentleman yield?

Mr. COLE. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Speaker, I appreciate the generosity of the gentleman for yielding.

First, let me set straight that the District of Columbia gets not one single benefit that any other Member who pays taxes—except we pay taxes without representation—not one single benefit that is any different from what other members get.

Secondly, on marijuana decriminalization, I respect the differences we have there, and the States are experimenting now. The District has only decriminalized marijuana, and recently, a member of the council introduced an amendment—which I bet you the other 18 States have not done—to educate our young people about marijuana, so that they don't go off and try it.

Nobody is for smoking marijuana—I wish we hadn't smoked all those cigarettes, there would be millions of people alive if we hadn't—but we really don't want to see people go to jail for possessing marijuana, and we don't want to live in a city where the only people who get arrested for possessing marijuana are people who look like me.

This is a city full of college students. They don't get arrested. Those who get arrested are African Americans because the police patrol those areas more sternly than others. We are asking for racial justice, but above all, we are asking for local control.

I want to say one thing about your citing of the Constitution. You are absolutely right. The Constitution gives the Congress control, but Congress passed, 40 years ago, the Home Rule Act, and that Home Rule Act was Congress' understanding that there ought to be no Members of this House who don't have total control over their own local money and over their own local affairs.

We ask for the same respect, and I thank the gentleman.

Mr. COLE. Reclaiming my time, I thank the gentlewoman for the points that she made. I would just say that, again, this is going to be an ongoing source of tension—it has been.

To clarify, when I said the Capital benefits, I meant to imply in no way that citizens here don't have the same obligations, same responsibilities, and bear the same burdens. I happen to have two wonderful military bases in my facility. We think we are privileged to host them. We derive considerable benefit and employment from their presence.

I will note, just as the gentlewoman suggests, we pay taxes, too. We are American citizens, and those weren't put there for our benefit. They were put there for the purposes of defending the country, but we are happy to have them.

I suggest there is probably a lot of that same pride in this community for hosting the Capital of the United States, so that was my intent in that remark.

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

Ms. SLAUGHTER. May I inquire if my friend has any more requests for time?

Mr. COLE. I do not.

Ms. SLAUGHTER. We are going to call for the previous question, Mr. Speaker, and if we defeat the previous question, I am going to offer an amendment to the rule to bring up the legislation that would treat wildfires like similar major natural disasters and ensure that money intended for managing public lands is actually used for that purpose.

It is time to make commonsense changes in the Federal wildfire budget.

Mr. Speaker, to discuss our proposal on wildfires, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), the distinguished ranking member of the Committee on Natural Resources.

Mr. DEFAZIO. I thank my good friend for yielding that time.

Mr. Speaker, sometime in the end of July or, at the latest, very early August, the inadequate budget for forest firefighting for the Department of the Interior and the Forest Service will be exhausted—that's right, exhausted.

We are going to be at a point where there will be fires raging across the West. We are looking at record drought, record dry fuels, and you will be able, probably, to smell or see the smoke across a lot of the country.

Mr. Speaker, we should be doing everything we can to prepare for this and prevent this in the future, and that is the crux of this argument. We are not going to stop fighting fires. They can't because the forests will burn and people will die. No, we are going to stop it, but they will borrow from and decimate every other account in their budgets.

Forty percent of the Forest Service budget goes to fighting fires on an annual basis, which means every year we repeat this little Groundhog Day thing. They have to suspend the programs that would prevent future forest fires—that is fuel reduction programs, forest health programs.

They have to cut into the recreation budget and all of the other activities and things that they must do—cut into their timber management program, everything gets decimated—and the money just goes to fight fires.

We have the rarest of rare things here: a bicameral, bipartisan bill that is supported by the President of the United States. What else in this town is bipartisan, bicameral, and supported by the President?

Mr. Speaker, this should be a no-brainer. I have asked for hearings in the committee on the coming catastrophe this summer. No hearings have been held. We have legislation with 100 cosponsors—no action, no hearing, and no action on that bill.

We need this funding this month, and that way, the Forest Service won't have to decimate the programs that would prevent or mitigate future forest fires. So, come on, guys, let's wake up, smell the smoke, and do what is right and needs to be done—an adequate budget to fight the catastrophic forest fires across the Western United States.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. PETERS).

Mr. PETERS of California. Mr. Speaker, San Diego and the entire State of California are facing a prolonged drought that is placing us at increased risk for wildfires. We are currently in the midst of what is expected to be one of the longest and hardest wildfire seasons in recent memory.

That is why I also agree that we have to take action immediately to ensure adequate funding for wildfires by bringing to the floor H.R. 3992, the Wildfire Disaster Funding Act of 2014.

It is a bipartisan bill with dozens of sponsors from both sides of the aisle. It is fiscally responsible and has broad support from Washington and beyond.

Mr. Speaker, in May, San Diego saw an early start to fire season, when nearly a dozen wildfires erupted over a 5-day period, burning 27,000 acres and destroying 65 homes. Every day, communities in the region are at risk of wildfires.

This is an elongated fire season. We are not used to seeing these kinds of events in San Diego until September or October. That means that the cost to contain fires and the damage they cause will increase, and it makes it vital that we provide sufficient funds for officials to respond to them.

So we need to make the existing disaster contingency fund open to cover part of the cost of wildfire response. I have seen the impact of catastrophic wildfires firsthand. It is clear to me that wildfires should be treated the same as other natural disasters like hurricanes or tornadoes or Superstorm Sandy.

Mr. Speaker, it is vital that we change the law in this way on which there is an agreement, so that natural disasters include wildfires and allow our States and localities to access the necessary funds, without forcing us to choose between disaster relief and disaster prevention, which is a silly budget policy, but the one we are following today.

So I urge my colleagues to vote ''no'' on the previous question and amend the rule, so we can bring up H.R. 3992, the Wildfire Disaster Funding Act of 2014. We can bring it to the floor for a vote today.

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

Mr. Speaker, I want to begin by agreeing with the last two speakers, in terms of the substance of their argument. I happen to be a cosponsor of that legislation, which is proposed by

my good friend, Mr. SIMPSON, and I think they are discussing a very real and very important issue, and this is an issue where there is considerable bipartisan agreement.

Mr. Speaker, I probably will end up opposing the manner in which you are going to try and bring this to the floor, but I do think it needs to come to the floor. There is an orderly process to do that. There are discussions underway to continue to work on it; but, again, my friend makes a very good point.

I have tried consistently during my tenure here, no matter who is in control, to recognize that, when we have disasters, that people who are dealing with them need immediate help, and you need to vote accordingly and try and make that occur.

□ 1315

I sit on the Interior Subcommittee where we wrestle with this funding issue that both of my friends brought up, and they are precisely right. Since you can't predict a fire, you can't produce the amount, we end up treating fires differently than every other kind of disaster and we savage the normal budget process and actually drain a lot of accounts, accounts that in some cases would help us prevent future fires by helping us get rid of hazard fuel buildup in forests and things of that nature.

Again, I think my friends make a good point. I think we are going to continue to work on this in a bipartisan manner. I hope we will get there.

I will note for the RECORD that when we were actually considering the Republican budget, we were engaged on that committee, which I sit on as a representative from Appropriations, in discussions with one of our Democratic friends on the other side of the aisle about bringing an amendment and actually writing it in the budget. We had Republicans prepared at that point to vote for that amendment in sufficient numbers. The White House, I was told, was actually in favor of doing that. For whatever reason, the decision was made not to do that. Again, I cast no aspersions here, but I think we probably missed a more appropriate opportunity of actually cementing it down.

But I will say this: both of my friends have my commitment to continue to try and work with them and find an appropriate vehicle and appropriate time to get this done. I appreciate very, very much the fact that you came to the floor and brought it up and reminded us of how significant an issue this is. This is something we should be able to work across the aisle and accomplish. I thank my friend.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, if my colleague is prepared to close, I will close.

Mr. COLE. I am prepared to close.

Ms. SLAUGHTER. I yield myself the balance of my time.

Mr. Speaker, the majority continues to choose politics over people, create problems instead of solving them, and insist on silencing debate in the Chamber. It is time to consider the real problems facing the country, and with summer comes the destructive fire season that affects so many of my colleagues' districts.

I urge my colleagues to defeat the previous question and move to consider the Wildfire Disaster Funding Act to make the commonsense changes in the Federal wildfire budget.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question, and vote ''no'' on the underlying bill.

I yield back the balance of my time.

Mr. COLE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing, I would like to say that one of the basic functions of Congress is to actually fund the government. This rule would continue that process for consideration of appropriations bills for fiscal year 2015. In addition, it would allow for consideration of legislation that makes bonuses depreciation permanent, a provision that has existed as part of our Tax Code under both Democrats and Republicans since 2002.

I have enjoyed the debate. As always, I appreciate exchanging views with my good friend from New York, by way of Kentucky, two States blessed, and I would urge my colleagues to support the rule and the underlying legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 661 OFFERED BY MS. SLAUGHTER OF NEW YORK

At the end of the resolution, add the following new sections:

SEC. 3. 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. 3992) to provide for wildfire suppression operations, 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 the Budget, the chair and ranking minority member of the Committee on Agriculture, and the chair and ranking minority member of the Committee on Natural Resources. 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. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3992.

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. COLE. 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.

Ms. SLAUGHTER. 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 2014.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 10, 2014 at 10:45 a.m.:

That the Senate passed S. 247.
That the Senate passed S. 311.
That the Senate passed S. 354.
That the Senate passed S. 363.
That the Senate passed S. 476.
That the Senate passed S. 609.
That the Senate passed without amendment H.R. 255.
That the Senate passed without amendment H.R. 330.
That the Senate passed without amendment H.R. 507.
That the Senate passed without amendment H.R. 697.
That the Senate passed without amendment H.R. 876.
That the Senate passed without amendment H.R. 1158.
That the Senate passed without amendment H.R. 3110.
That the Senate passed without amendment H.R. 2337.
That the Senate passed without amendment H.R. 272.
That the Senate passed without amendment H.R. 1216.
That the Senate passed without amendment H.R. 356.
That the Senate passed without amendment H.R. 291.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2015.

GENERAL LEAVE

Mr. SIMPSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 4923, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. CASSIDY). Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 641 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4923.

Will the gentleman from Illinois (Mr. HULTGREN) kindly take the chair.

□ 1320

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4923) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2015, and for other purposes, with Mr. HULTGREN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, July 9, 2014, a request for a recorded vote on amendment No. 14 printed in the CONGRESSIONAL RECORD offered by the gentlewoman from Nevada (Ms. TITUS) had been postponed, and the bill had been read through page 59, line 20.

AMENDMENT NO. 16 OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Mr. Chairman, I wish to call up amendment No. 16.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. 508. None of the funds made available by this Act may be used in contravention of section 3112(d)(2)(B) of the USEC Privatization Act (42 U.S.C. 2297h–10(d)(2)(B)) and all public notice and comment requirements under chapter 6 of title 5, United States Code, that are applicable to carrying out such section.

The Acting CHAIR. Pursuant to House Resolution 641, the gentlewoman from Wyoming and a Member opposed each will control 5 minutes.

Mr. SIMPSON. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Chairman, my amendment would reinforce the Department of Energy's already existing legal obligations when it sells or transfers excess uranium from the Federal inventory.

One of these legal obligations is called the ''Secretarial Determination'' that the uranium transfers will not have an adverse material impact on the domestic uranium industry. The other obligation is to comply with the public notice and comment requirements of the Administrative Procedure Act.

The Department's actions regarding uranium have come under justified scrutiny, so I will take both of them in turn.

First, my amendment reinforces the required Secretarial Determination that uranium transfers do not adversely impact the domestic uranium industries.

Congress decided to require a Secretarial Determination because, if the government dumps too much uranium onto the market, it can artificially distort the market and hurt domestic uranium industries. These include uranium mining, uranium conversion, and uranium enrichment industries, all crucial to developing a more robust domestic uranium supply chain to feed our nuclear power plants.

Right now, 90 percent of the uranium used to provide electricity in this country is imported, but it doesn't have to be that way. Here in the United States, including my home State of Wyoming, we have abundant uranium resources. With uranium from American soil and through American jobs, we can correct this imbalance; but the task is made difficult, if not impossible, with the Department of Energy's cavalier uranium transfers.

The Secretarial Determination process has, unfortunately, become a sham. Instead of protecting domestic uranium industries, it has become a tool to destroy them. Prior to the May 15, 2014, Secretarial Determination, the Department commissioned a market analysis that concluded the uranium transfers would reduce employment in the domestic uranium industries by 4 percent and reduce the spot price for mined uranium by 8 percent. That is what their own market analysis provided. Yet the Department is ignoring the results of its own study and is proceeding anyway, based on other information and analysis it decided not to share with the public.

My amendment uses the power of the purse to reinforce existing statutory law, lest the Department flaunt the law, rendering it meaningless.

Second, my amendment reinforces the Department's obligation to comply with the public notice and comment requirements of the Administrative Procedure Act. The Department of Energy has used its excess uranium as a slush fund, selling or bartering uranium to subsidize failed companies like the U.S. Enrichment Corporation or to fund other programs without having to come to Congress for the money. This program has operated in the shadows, making a mockery of our budget process.

I want to quote a recent GAO report on the Department's uranium transfers. It says:

We believe transparency is a fundamental tenet of good government and that our recommendations support actions needed to enhance DOE's transparency.