

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2740) TO REQUIRE ACCOUNTABILITY FOR CONTRACTORS AND CONTRACT PERSONNEL UNDER FEDERAL CONTRACTS, AND FOR OTHER PURPOSES

OCTOBER 2, 2007.—Referred to the House Calendar and ordered to be printed

Ms. SUTTON, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 702]

The Committee on Rules, having had under consideration House Resolution 702, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2740, the “MEJA Expansion and Enforcement Act of 2007,” under a structured rule. The resolution provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary shall be considered as an original bill for the purpose of further amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute except those arising under clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The resolution makes in order only those amendments printed in this report. Such amendments may be offered only in the order printed in this report, only offered by the Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report except those arising under clause 9 or 10 of rule XXI. The

resolution provides one motion to recommit with or without instructions. Finally, the resolution permits the Chair, during consideration of the bill in the House, to postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against the bill and its consideration (except for those arising under clause 9 or 10 of rule XXI), the Committee is not aware of any points of order against the bill or its consideration. The waivers of all points of order against the bill and its consideration (except those arising under clause 9 or 10 of rule XXI) are prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 328

Date: October 2, 2007.

Measure: H.R. 2740.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea.

Rules Committee record vote No. 329

Date: October 2, 2007.

Measure: H.R. 2740.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Forbes that would address the intelligence and Department of Justice issues.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay; Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea.

Rules Committee record vote No. 330

Date: October 2, 2007.

Measure: H.R. 2740.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Brown-Waite (#2) that would debar or suspend from federal contracting any contractor that directly employs, or has knowledge of subcontractors' employment of, undocumented workers. This action would take effect upon enactment of the bill and would not be applied retroactively.

Results: Defeated 4–8.

Vote by Members: McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Arcuri—Nay;

Sutton—Nay; Dreier—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea.

Rules Committee record vote No. 331

Date: October 2, 2007.

Measure: H.R. 2740.

Motion by: Mr. Hastings (FL).

Summary of motion: To report the rule.

Results: Adopted 8–4.

Vote by Members: McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Cardoza—Yea; Welch—Yea; Castor—Yea; Arcuri—Yea; Sutton—Yea; Dreier—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay.

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

1. Conyers (MI)/Price, David (NC)/Scott, Robert (VA): No. 6 Manager's Amendment. (REVISED) The amendment clarifies that the FBI investigate those fatalities resulting from the "potentially unlawful" use of force. The amendment also allows the Attorney General to request assistance from other federal agencies when assigning personnel and resources to the FBI Theater Investigative Unit. The amendment mandates that the FBI request security assistance from the Secretary of Defense in any case in which the FBI Units need adequate security. (10 minutes)

2. Schakowsky (IL): No. 5. (REVISED) The amendment would require the Department of Justice to report a list of charges that have been brought against contractors and contract employees in Iraq and Afghanistan; and a description of the legal actions taken by the United States government against contractors and contract employees in Iraq and Afghanistan as a result of a criminal charge or criminal investigation. (10 minutes)

3. Hill (IN): No. 3. Would require the Director of the FBI to submit an annual written report to Congress of the progress of the Theater Investigative Units, including the number of reports received of criminal misconduct by contractors, the number of reports received of fatalities caused by contract personnel, the number of cases referred to the Attorney General, and statutory changes necessary for the Director to carry out the duties entailed by this bill. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS OF MICHIGAN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 2, insert "potentially unlawful" before "use".

Page 5, strike lines 17 through 25 and insert the following:

"(d) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—In consultation with the Director of the Federal Bureau of Investigation, the Attorney General may request assistance from the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, or the head of any other Executive agency, notwithstanding any statute, rule, or regulation to the contrary, including the assignment of additional personnel and resources to a Theater Investigative Unit."

Page 5, after line 16, insert the following:

“(3) SECURITY.—The Director of the Federal Bureau of Investigation shall request security assistance from the Secretary of Defense in any case in which a Theater Investigative Unit does not have the resources or is otherwise unable to provide adequate security to ensure the safety of such Unit. The Director may not request or provide for security for a Theater Investigate Unit from any individual or entity other than the Federal Bureau of Investigation or the Secretary of Defense.”

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2(b)(2) of the bill—

- (1) in subparagraph (A)(iv), strike “and” after the semicolon;
 - (2) in subparagraph (B), strike the period and insert “; and”;
- and
- (3) at the end of the paragraph, add the following new subparagraph:

“(C) with respect to covered contracts where the work under such contracts is carried out in Iraq or Afghanistan—

“(i) a list of each charge brought against contractors or contract personnel performing work under such a covered contract, including—

“(I) a description of the offense with which a contractor or contract personnel were charged; and

“(II) the disposition of such charge; and

“(ii) a description of any legal actions taken by the United States Government against contractors or contract personnel as a result of—

“(I) a criminal charge brought against such contractors or contract personnel; or

“(II) a complaint received regarding the activities of such contractors or contract personnel.”

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HILL OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 3, add the following new subsection:

“(e) ANNUAL REPORT.—Not later than one year after the date on which the Director of the Federal Bureau of Investigation ensures compliance with the provisions of this Act pursuant to section 5(c), and annually thereafter, the Director of the Federal Bureau of Investigation shall submit to Congress a report containing—

“(1) the number of reports received by Theater Investigative Units relating to suspected criminal misconduct by contractors or contract personnel;

“(2) the number of reports received by Theater Investigative Units relating to fatalities resulting from the use of force by contractors or contract personnel;

“(3) the number of cases referred by Theater Investigative Units to the Attorney General for further investigation or other action; and

“(4) any recommended changes to Federal law that the Director considers necessary to perform the duties of the Act.”

