

109TH CONGRESS
1ST SESSION

H. RES. 116

Creating a select committee to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2005

Mr. LEACH (for himself and Mr. TIERNEY) submitted the following resolution;
which was referred to the Committee on Rules

RESOLUTION

Creating a select committee to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Whereas challenges to the national security have forced America to commit very large sums of Government funds to support operations in Afghanistan and Iraq and improve the security for the homeland;

Whereas Congress has a responsibility to ensure comprehensive oversight when Government funds are at issue;

Whereas the great size of the funds involved, together with the necessary speed with which these funds are committed, presents a challenge to the traditional oversight function of Congress;

Whereas conflicts of interest and Government overcharging are a danger whenever large sums of money are at stake, and are particularly unseemly in times of war;

Whereas in this age of global economic interdependence, the Administration has made a commitment to let contracts to foreign as well as domestic companies;

Whereas oversight should not be considered a partisan activity but viewed solely in the context of preserving public resources and bolstering people's confidence in the Government;

Whereas the Truman Committee in World War II stands as a constructive precedent for bipartisan oversight of war-time contracting;

Whereas the Truman Committee was established within a Congress controlled by the same party as the Executive;

Whereas in times marked by corporate abuses and cheating, the integrity of the procurement process is of paramount importance to sustain the public's support for government programs; and

Whereas whatever the merits of Government policy, the public has a right to expect that war profiteering does not occur and that its resources are carefully disbursed and honestly spent: Now therefore be it

- 1 *Resolved*, That, until otherwise provided by law, there
- 2 is hereby created a select committee to investigate the
- 3 awarding and carrying out of contracts to conduct activi-
- 4 ties in Afghanistan and Iraq and to fight the war on ter-
- 5 rorism (hereinafter referred to as the "select committee").

1 MEMBERSHIP AND FUNCTIONS

2 SEC. 2. The select committee is to be composed of
3 15 Members of the House, to be appointed by the Speaker
4 (of whom 7 shall be appointed upon the recommendation
5 of the minority leader), one of whom shall be designated
6 as chairman from the majority party and one of whom
7 shall be designated ranking member from the minority
8 party. Any vacancy occurring in the membership of the
9 select committee shall be filled in the same manner in
10 which the original appointment was made. The select com-
11 mittee shall conduct an ongoing study and investigation
12 of the awarding and carrying out of contracts by the Gov-
13 ernment to conduct activities in Afghanistan and Iraq and
14 to fight the war on terrorism and make such recommenda-
15 tions to the House as the select committee deems appro-
16 priate regarding the following matters—

17 (1) bidding, contracting, and auditing stand-
18 ards in the issuance of Government contracts;

19 (2) oversight procedures;

20 (3) forms of payment and safeguards against
21 money laundering;

22 (4) accountability of contractors and Govern-
23 ment officials involved in procurement;

1 (5) penalties for violations of law and abuses in
2 the awarding and carrying out of Government con-
3 tracts;

4 (6) subcontracting under large, comprehensive
5 contracts;

6 (7) inclusion and utilization of small businesses,
7 through subcontracts or otherwise; and

8 (8) such other matters as the select committee
9 deems appropriate.

10 RULES AND PROCEDURE

11 SEC. 3. (a) QUORUM.—One-third of the members of
12 the select committee shall constitute a quorum for the
13 transaction of business except for the reporting of the re-
14 sults of its study and investigation (with its recommenda-
15 tions) or the authorization of subpoenas, which shall re-
16 quire a majority of the committee to be actually present,
17 except that the select committee may designate a lesser
18 number, but not less than two, as a quorum for the pur-
19 pose of holding hearings to take testimony and receive evi-
20 dence.

21 (b) POWERS.—For the purpose of carrying out this
22 resolution, the select committee may sit and act during
23 the present Congress at any time and place within the
24 United States or elsewhere, whether the House is in ses-
25 sion, has recessed, or has adjourned and hold such hear-
26 ings as it considers necessary and to require, by subpoena

1 or otherwise, the attendance and testimony of such wit-
2 nesses, the furnishing of information by interrogatory, and
3 the production of such books, records, correspondence,
4 memoranda, papers, documents, and other things and in-
5 formation of any kind as it deems necessary, including
6 classified materials.

7 (c) ISSUANCE OF SUBPOENAS.—A subpoena may be
8 authorized and issued by the select committee in the con-
9 duct of any investigation or series of investigations or ac-
10 tivities, only when authorized by a majority of the mem-
11 bers voting, a majority being present. Authorized sub-
12 poenas shall be signed by the chairman or by any member
13 designated by the select committee, and may be served by
14 any person designated by the chairman or such member.
15 Subpoenas shall be issued under the seal of the House
16 and attested by the Clerk. The select committee may re-
17 quest investigations, reports, and other assistance from
18 any agency of the executive, legislative, and judicial
19 branches of the Government.

20 (d) MEETINGS.—The chairman, or in his absence a
21 member designated by the chairman, shall preside at all
22 meetings and hearings of the select committee. All meet-
23 ings and hearings of the select committee shall be con-
24 ducted in open session, unless a majority of members of
25 the select committee voting, there being in attendance the

1 requisite number required for the purpose of hearings to
 2 take testimony, vote to close a meeting or hearing.

3 (e) APPLICABILITIES OF RULES OF THE HOUSE.—
 4 The Rules of the House of Representatives applicable to
 5 standing committees shall govern the select committee
 6 where not inconsistent with this resolution.

7 (f) WRITTEN COMMITTEE RULES.—The select com-
 8 mittee shall adopt additional written rules, which shall be
 9 public, to govern its procedures, which shall not be incon-
 10 sistent with this resolution or the Rules of the House of
 11 Representatives.

12 ADMINISTRATIVE PROVISIONS

13 SEC. 4. (a) APPOINTMENT OF STAFF.—The select
 14 committee staff shall be appointed, and may be removed,
 15 by the chairman and shall work under the general super-
 16 vision and direction of the chairman.

17 (b) POWERS OF RANKING MINORITY MEMBER.—All
 18 staff provided to the minority party members of the select
 19 committee shall be appointed, and may be removed, by the
 20 ranking minority member of the committee, and shall
 21 work under the general supervision and direction of such
 22 member.

23 (c) COMPENSATION.—The chairman shall fix the
 24 compensation of all staff of the select committee, after
 25 consultation with the ranking minority member regarding

1 any minority party staff, within the budget approved for
 2 such purposes for the select committee.

3 (d) REIMBURSEMENT OF EXPENSES.—The select
 4 committee may reimburse the members of its staff for
 5 travel, subsistence, and other necessary expenses incurred
 6 by them in the performance of the their functions for the
 7 select committee.

8 (e) PAYMENT OF EXPENSES.—There shall be paid
 9 out of the applicable accounts of the House such sums
 10 as may be necessary for the expenses of the select com-
 11 mittee. Such payments shall be made on vouchers signed
 12 by the chairman of the select committee and approved in
 13 the manner directed by the Committee on House Adminis-
 14 tration. Amounts made available under this subsection
 15 shall be expended in accordance with regulations pre-
 16 scribed by the Committee on House Administration.

17 REPORTS

18 SEC. 5. The select committee shall from time to time
 19 report to the House the results of its study and investiga-
 20 tion, with its recommendations. Any report made by the
 21 select committee when the House is not in session shall
 22 be filed with the Clerk of the House. Any report made
 23 by the select committee shall be referred to the committee
 24 or committees that have jurisdiction over the subject mat-
 25 ter of the report.