

rules and agree to the resolution, H. Res. 1224.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOOZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5159. An act to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2008

Ms. NORTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3068) to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Protective Service Guard Contracting Reform Act of 2008".

SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.

(a) PROHIBITION ON AWARD OF CONTRACTS TO ANY BUSINESS CONCERN OWNED, CONTROLLED, OR OPERATED BY AN INDIVIDUAL CONVICTED OF A FELONY.—

(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement—

(A) shall promulgate regulations establishing guidelines for the prohibition of contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and

(B) may consider permanent or interim prohibitions when promulgating the regulations.

(2) CONTENTS.—The regulations under this subsection shall—

(A) identify which serious felonies may prohibit a contractor from being awarded a contract;

(B) require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; and

(C) provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out this section.

SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICATION.

Not later than 18 months after the date of enactment of the Act, the Administrator for Federal Procurement Policy shall submit a report on establishing similar guidelines government-wide to the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3068.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

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

I rise in support of the Senate amendment to H.R. 3068. The bill is the result of two oversight hearings held by the Transportation and Infrastructure Committee Subcommittee on Economic Development, Public Buildings and Emergency Management that examined the role of the Federal Protective Service in providing security to our Nation's public buildings.

There was evidence and serious allegations of wrongdoings, chaos and irregularities in the contracting and employment of private security guards who protect Federal employees and facilities. This legislation intends to preserve the security of the country's most sensitive buildings.

The Senate amendment supports the principles of the House bill and authorizes the Secretary of Homeland Security to devise regulations that prohibit contracts for the provision of guard services to any business owned or controlled by a convicted felon. In addition, the Senate amendment provides some limited flexibility for the contracting officer to identify serious felons and create guidelines for the contracting officer to assess mitigating factors and the risks associated with previous convictions.

I urge all Members to vote for the Senate amendment to H.R. 3068, the Federal Protective Service Guard Contracting Reform Act of 2008.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I might consume.

H.R. 3068 was introduced by Subcommittee Chairwoman Norton last year, and prohibits the Federal Protective Service from awarding contracts to businesses owned, controlled or operated by convicted felons. Specifically, the bill would direct the Secretary of Homeland Security to promulgate regulations to implement this prohibition.

The Federal Protective Service, FPS, has a critical mission. FPS serves as one of the first lines of defense for our Federal buildings. It employs more than 1,000 trained personnel, and 15,000 contract security guards. It is charged with securing nearly 9,000 federally owned and leased buildings.

This legislation will help improve security at those buildings and facilities and increase the standards of safety for Federal properties across the country. H.R. 3068 passed the House last year and was amended in the Senate. The Senate amendment provides additional direction to the Secretary of Homeland Security on key issues that the regulations should include. The Senate amendment also directs the administrator for Federal procurement policy to issue a report to Congress on establishing similar guidelines government-wide.

This legislation is important to ensure the integrity of the forces protecting our Federal buildings and the employees and visitors that work in and visit those buildings every day. I support this legislation. I urge my colleagues to do the same.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, we very much appreciate that the House has gotten to this bill before we adjourn. This bill arose from oversight, and I think emphasizes the importance of oversight. Essentially it eliminates proxy ownership of vital FPS contracting operations. As a result of oversight and reports from workers and sometimes from unions, we learned that there were unpaid contract guards. As a result of the hearings, upon learning of these reports, we found that there was a contractor who was a felon, had spent 5 years in jail for money laundering and fraud.

What we discovered was sometimes there were unpaid guards working out of, of all places, the Department of Homeland Security, and that at other times the money had been received, as in the case of the proxy ownership, and had not been paid.

Security guards have grown to overwhelm the Federal Protective Service which is the official service that guards these buildings. The decrease in the Federal Protective Service is itself a hazard. But with 15,000 Federal security guards, that means hundreds probably of contractors, because many of them are small businesses. As the number of security guards and therefore contractors has grown, it is important that our vigilance of the contract operations also increases.

I was particularly concerned because these reports came in, from all places, the Nation's capital and the national capital region. This is the region at the top of the list of places where we are always on the alert against terrorism.

We want to particularly compliment the workers who continued to work even though they were unpaid. I want to give some credit to ICE because in the hearings where we followed up to see that this matter was corrected while this bill was pending, we worked closely with ICE which had jurisdiction over the Federal Protective Service and now has an ombudsman for security guard contracts; it centralized contracting operations so that prompt payment and monitoring of the invoices can occur. We gave them a deadline to cure that backlog, and they cured that backlog by August of last year.

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What this bill does is to now shut the door with legislation that was clearly required after the discovery of proxy ownership by a felon who had, essentially, the responsibility for guards' guarding vital buildings in the Nation's capital and perhaps elsewhere.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I want to thank Chairwoman NORTON for bringing this legislation forward. It's something that we certainly support.

We thank you for your hard work.

I yield back the balance of our time.

Ms. NORTON. I thank the gentleman, and I thank the entire committee and subcommittee for the strong bipartisan support that this bill and the work that uncovered it have had throughout.

Mr. OBERSTAR. Mr. Speaker, I rise in support of the Senate amendment to H.R. 3068. This bill, as amended by the Senate, represents an important step in ensuring the safety of Federal employees and all those who work in and visit our Federal buildings.

On April 18, 2007, the Committee held a hearing entitled "Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings". The hearing probed the Department of Homeland Security's plans to cut the presence of Federal Protective Service ("FPS") officers nationally. The reliance on contract security guards to protect Federal buildings is a troubling trend.

On October 2, 2007, the House passed H.R. 3068 to prohibit the Secretary of Homeland Security from awarding security guard contracts to businesses owned, controlled, or operated by convicted felons.

H.R. 3068, as amended by the Senate, continues to support the central concept of the legislation as enacted by the House. The Senate amendment authorizes the Secretary of Homeland Security to establish guidelines that prohibit contracts for the provision of guard services to any business owned or controlled by individuals convicted of serious felonies, as determined by the Secretary. Further, the amendment allows discretion to contracting officers assess mitigating factors and the risks associated with a particular conviction.

This bill, as amended, offers a common sense way to ensure that security contracts

that provide an essential service are awarded only to contractors who are, "capable, responsible, and ethical", as required by the Federal Acquisition Regulations.

I support H.R. 3068, as amended, and urge its passage.

Finally, I insert in the CONGRESSIONAL RECORD an exchange of letters between Chairman HENRY WAXMAN, Chairman of the Committee on Oversight and Government Reform, and me.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, September 25, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives,
Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 3068, the "Federal Protective Service Guard Contracting Reform Act of 2007".

I agree that provisions in H.R. 3068, as amended by the Senate, are of jurisdictional interest to the Committee on Oversight and Government Reform. I appreciate your willingness to waive rights to further consideration of H.R. 3068, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction over the relevant provisions of H.R. 3068.

This exchange of letters will be placed in the Congressional Record as part of the consideration of H.R. 3068, as amended by the Senate, in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, September 25, 2008.

Hon. JAMES OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives,
Washington, DC.

DEAR CHAIRMAN OBERSTAR: I am writing about H.R. 3068, the "Federal Protective Service Guard Contracting Reform Act of 2007".

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 3068, as amended by the Senate, that fall within the Oversight Committee's jurisdiction. In the interest of expediting consideration of H.R. 3068, the Oversight Committee will not separately consider relevant provisions of this bill. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 3068 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

Ms. NORTON, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of

Columbia (Ms. NORTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3068.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

REPEALING LICENSE REQUIREMENT FOR EMPLOYMENT AS A SALVAGER ON THE COAST OF FLORIDA

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2482) to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REQUIREMENT OF LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA.

Chapter 801 of title 46, United States Code, is amended—

- (1) by striking section 80102; and
- (2) in the table of sections at the beginning of the chapter by striking the item relating to that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2482.

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

There was no objection.

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

Mr. Speaker, as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of S. 2482.

This legislation is very simple. It would repeal an antiquated law that requires vessels and the captains of vessels conducting salvage operations off the coast of Florida to obtain licenses from a United States District Court. The law, which applies only to Florida, was adopted in 1847. No license has been issued under this law since approximately 1921, in large measure, because it seems to have been a forgotten requirement until the recent codification of title 46.

This law serves no purpose at this time. The measure before us would repeal this provision and would eliminate