

Mr. CHAFFETZ. Mr. Speaker, I urge us all to support and pass this important resolution. This is something that should truly unite us in this fight. We continue to build awareness and encourage people to get checked. And our hearts and prayers go out to those loved ones who are suffering from this, but there is great hope.

I urge my colleagues to get behind this resolution, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, in closing, I want to thank my colleagues—the gentlewomen from Florida, Ohio, and Connecticut—for lending their voice to this issue and raising the level of awareness throughout this country as far as the dreaded disease of cancer is concerned.

I urge my colleagues to join me in supporting this measure.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1522.

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. CLAY. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

OVERSEAS CONTRACTOR REFORM ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5366) to require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5366

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Contractor Reform Act".

SEC. 2. REQUIREMENT TO PROPOSE FOR DEBARMENT PERSONS VIOLATING THE FOREIGN CORRUPT PRACTICES ACT.

(a) REQUIREMENT TO PROPOSE FOR DEBARMENT.—Unless waived by the head of a Federal agency under subsection (b), any person found to be in violation of the Foreign Corrupt Practices Act of 1977 shall be proposed for debarment from any contract or grant awarded by the Federal Government within 30 days after a final judgment of such violation.

(b) WAIVER.—The head of a Federal agency may waive this section for a Federal contract or grant. Any such waiver shall be reported to Congress by the head of the agency concerned within 30 days from the date of the waiver, along with an accompanying justification.

(c) FINAL JUDGMENT.—For purposes of this section, a judgment becomes final when all appeals of the judgment have been finally determined, or all time for filing such appeals has expired.

(d) DEFINITIONS.—In this section:

(1) CONTRACT.—The term "contract" means a binding agreement entered into by a Federal agency for the purpose of obtaining property or services.

(2) PERSON.—The term "person" includes—

(A) an individual;

(B) a partnership; and

(C) a corporation.

(3) FOREIGN CORRUPT PRACTICES ACT OF 1977.—The term "Foreign Corrupt Practices Act of 1977" means—

(A) section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1); and

(B) sections 104 and 104A of the Foreign Corrupt Practices Act (15 U.S.C. 78dd-2).

SEC. 3. GOVERNMENTAL POLICY.

It is the policy of the United States Government that no Government contracts or grants should be awarded to individuals or companies who violate the Foreign Corrupt Practices Act of 1977.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

Mr. CLAY. I yield myself such time as I may consume.

Mr. Speaker, contractors have been tarnishing the name of our good country by bribing foreign officials with the very tax dollars our country pays them. In our effort to win the hearts and minds of the people of foreign countries, we must show that we take integrity and honesty seriously. As such, we must take action against those contractors who hinder our efforts and inappropriately utilize the money we pay them. H.R. 5366, the Overseas Contractor Reform Act, will provide the government with the means to appropriately respond to those contractors.

H.R. 5366 was introduced by my colleague, Representative PETER WELCH, on May 20, 2010, and referred to the Committee on Oversight and Government Reform, where we worked hard to get this important legislation to the House floor.

This bill requires that any person convicted of violating the Foreign Corrupt Practices Act of 1977 be proposed for debarment from any further contracts or grants with the Federal Government within 30 days after final judgment of the violation. The bill defines "final judgment" as occurring when all appeals of the judgment have been determined or all the time for filing such appeals has expired, so there is no question regarding the person's guilt.

Additionally, this bill authorizes the head of a Federal agency to issue a waiver, allowing contracts or grants to be awarded to the contractors, but the agency head must justify the decision and report the waiver and accompanying justification to Congress within 30 days.

□ 1200

This bill also makes it Federal policy that no more contracts or grants should be awarded to any individuals or companies who violate the Foreign Corrupt Practices Act. This policy statement sends a strong message to all that such waste, fraud, and abuse will not be tolerated.

This bill helps fight waste of tax dollars, protects the image of the country, and helps ensure fair play in competition for contracts. H.R. 5366 is a common sense, good government bill, and I encourage my colleagues to join me in supporting it.

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

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

I rise today in support of H.R. 5366, the Overseas Contractor Reform Act. The Committee on Oversight and Government Reform over the years has uncovered numerous instances in which government continued doing business with bad actors. This legislation will augment the U.S. government's efforts to combat waste, fraud, and abuse in contracting. It will ensure that we are awarding contracts and grants only to parties with integrity.

The bill requires a Federal agency to propose for debarment from receiving any new grants or contracts a person or entity found in violation of the Foreign Corrupt Practices Act of 1977.

The Foreign Corrupt Practices Act makes it a crime to offer a bribe to a foreign official for the purpose of obtaining or retaining business from a foreign government.

Since the passage of the Foreign Corrupt Practices Act, the fraud section of the Department of Justice has prosecuted individuals and entities accused of bribing foreign officials. These parties are now subject to fines, and although proposed debarment was already a possible consequence, this bill sends the message that Congress, without question, desires agencies to take administrative action against parties convicted of violating the Foreign Corrupt Practices Act.

This bill also provides agencies with a modicum of flexibility. If the agency head finds it is in the best interest of the government to waive the requirement for proposed debarment, a waiver is permissible. However, the agency head must report the waiver to Congress and provide a justification.

Mr. Speaker, I urge my colleagues to support H.R. 5366.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 5366, the Overseas Contracting Reform Act, which provides an important and necessary recourse for our government when

contractors violate federal law. Specifically, the legislation requires the automatic proposal for debarment of any contractor found to be in violation of the Foreign Corrupt Practices Act, FCPA, which prohibits American companies and individuals from unlawfully influencing foreign officials.

I commend the sponsor of this legislation, Representative PETER WELCH of Vermont, for his work on this matter. Since the brutal shooting incident at Baghdad's Nisour Square in which guards employed by the private security contractor Blackwater Worldwide, now Xe Services, allegedly shot and killed 17 innocent and unarmed Iraqi civilians, I have worked to bring such contractors within the purview of U.S. law and to hold them accountable for their actions. Unfortunately, even after the Blackwater shooting gained considerable public attention, reports indicated that not only did contractors remain a significant part of the U.S. presence in Iraq and Afghanistan, but they also continued to serve in inappropriate roles such as conducting interrogations of suspected terrorists. All the while, the laws which govern them remain vague.

As many of my colleagues and I have noted for several years, there is an egregious lack of both accountability and transparency for such firms and their employees. Although the Federal Acquisition Regulation, FAR, enables government officials to initiate suspension and debarment proceedings where the contractor has committed an offense "that seriously and directly affects the present responsibility of a government contractor or subcontractor," among other things, no official used this authority to initiate such proceedings with Blackwater. Moreover, as a recent Senate Armed Services Committee investigation underscores, Blackwater was able to secure new contracts by creating several dozen subsidiaries for the sole purpose of concealing its parent companies' identity. Contracting officers claim they weren't even aware that they were awarding contracts to a company under Blackwater's control.

It is clear that the existence of authority to debar under the FAR is, in itself, insufficient to trigger debarment proceedings, perhaps because agency officials are unwilling to initiate debarment proceedings even when just cause is shown. That is why H.R. 5366 is an important piece of legislation. It will provide that companies automatically be proposed for debarment if they are found to be in violation of the FCPA. The Department of Justice is investigating whether Blackwater employees bribed Iraqi officials to allow them to continue doing business in Iraq, an obvious violation of the FCPA. Under H.R. 5366, if Blackwater is found guilty, the firm will automatically be proposed for debarment.

Mr. Speaker, all loopholes for private security contractors working overseas should have been closed long ago. Contractors and their employees must be held accountable for their actions overseas, especially during war time. This is not just important for the America's reputation for upholding justice and the rule of law, but for the safety and security of our troops and civilians serving overseas. Failing to do so undermines American national security interests. I urge my colleagues to join me in voting for H.R. 5366.

Mr. BLUMENAUER. Mr. Speaker, in today's wars, military contractors play a larger role than ever before. As we have seen over the

past decade, our laws have been inadequate to curb what became a free-for-all for contractors overseas. That is why I support efforts like this one, to define and reign in unacceptable and damaging contractor abuses.

In my own state of Oregon, 26 Oregon National Guardsmen have filed suit against war contractor KBR, formerly a subsidiary of Halliburton, alleging that KBR personnel knew a highly toxic chemical was present at Iraqi facilities in 2003, but that they waited months before bringing it to the attention of the U.S. military. By that time, unsuspecting members of the Oregon, Indiana, and West Virginia National Guard had already been exposed.

Even more troubling, if KBR is found to be at fault the company may never have to pay for its actions. A still-classified clause in KBR's contract may result in the U.S. Army—and U.S. taxpayers—paying for the harm done by contractors.

This is just one instance of past contractor actions having continued repercussions today. I will continue to work for swift congressional action that will hold contractors accountable, strengthen oversight and protect both our troops and the taxpayers.

I strongly support Mr. WELCH's efforts here today, and those who help tackle this problem on behalf of our brave men and women in uniform.

Mr. CHAFFETZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 5366.

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. CLAY. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING CONSTITUTION DAY

Mr. CLAY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1612) expressing the support for and honoring September 17, 2010 as "Constitution Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1612

Whereas the Constitution of the United States was signed on September 17, 1787, by 39 delegates from 12 States;

Whereas the Constitution was subsequently ratified by each of the original 13 States;

Whereas the Constitution was drafted in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for the citizens of the United States;

Whereas the Constitution has provided the means and structure for this Nation and its citizens that is unparalleled by any other country;

Whereas the Constitution's contributions to the welfare of the human race reach far beyond the borders of the United States;

Whereas the House of Representatives continues to strive to preserve and strengthen the values and rights bestowed by the Constitution upon the United States and its citizens;

Whereas the Constitution is recognized by many to be the most significant and important document in history for establishing freedom and justice through democracy;

Whereas the Constitution deserves the recognition, respect, and reverence of all people in the United States;

Whereas every person in the United States should celebrate the freedom and responsibilities of the Constitution;

Whereas the preservation of such values and rights in the hearts and minds of United States citizens would be advanced by official recognition of the signing of the Constitution; and

Whereas September 17, 2010, is designated as "Constitution Day"; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports "Constitution Day"; and

(2) calls upon the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore (Ms. MCCOLLUM). Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

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

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

There was no objection.

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

It is no exaggeration to say that the United States Constitution is one of the most important documents in history. Its framework for our representative and democratic system of government has served the American people well for over two centuries, making it the oldest federal constitution still in use in the world. Its separation of powers, checks and balances, and preservation of rights has been an example to burgeoning democracies everywhere. I think that all Americans should take time to read and study the Constitution. The values and principles it enshrines are central to our Nation's identity.

House Resolution 1612 was introduced on September 14, 2010, by my colleague, the gentleman from Ohio (Mr. LATTA). It enjoys the bipartisan support of 50 cosponsors. And I am sure that my colleagues will agree that it is a privilege for us to serve in this Chamber, serving, protecting, and defending the United States Constitution. I am glad that we are taking the opportunity