

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

today to honor that most treasured document.

In closing, let us all be sure to keep the principles of the Constitution in our hearts and on our minds every day as we continue to work for a more perfect union.

Madam Speaker, I reserve the balance of my time.

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

I rise today in support of House Resolution 1612, expressing support for and honoring September 17, 2010 as "Constitution Day."

Madam Speaker, I would first like to commend my distinguished colleague, the gentleman from Ohio (Mr. LATTA), for introducing this bipartisan resolution for the second year in a row. It serves as an important reminder of the ideals and principles contained within a document that we have all sworn to uphold and protect.

Madam Speaker, Friday marks the 223rd anniversary of the signing of the Constitution of the United States of America. On September 17, 1787, 12 State delegations, comprising a total of 39 delegates to the Constitutional Convention in Philadelphia, Pennsylvania, signed a historic document that has guided our Nation for centuries. While this concluded the Constitutional Convention, the Constitution didn't truly take effect until New Hampshire became the ninth State to ratify it on June 21, 1788.

At some 4,400 words, the Constitution is not only the shortest charter of government for any major country in the world, but also the oldest. Madam Speaker, it is truly remarkable that a document authored over two centuries ago has been able to stand the test of time and continues to provide a foundation for our Nation even to this day.

I encourage every American to take time this Friday to celebrate and remember the freedoms and values contained within this document that sadly we have all too often taken for granted.

Madam Speaker, it is truly an honor and privilege to be able to speak on the floor of the House of Representatives about the Constitution, and I urge all Members to join me in strong support of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I have no further requests for time on this side, and I continue to reserve.

Mr. CHAFFETZ. Madam Speaker, we have two additional speakers, but at this time I would like to yield such time as he may consume to the prime sponsor of the resolution, the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Madam Speaker, I thank the gentleman for yielding. I appreciate his kind words. I am honored to rise today in support of House Resolution 1612, which honors our United States Constitution on September 17 as Constitution Day.

You know, in the not-too-recent past, too few people in this country knew what was in this document. As the gentleman has previously said, it is about 4,400 words. That is all there is, 4,400 words. But I think over the last couple of years, more and more people are turning to it to find out exactly what is in here and how this place operates and how this country operates. And I think it is important. I have always been a student of history, and I think it is important to know where we came from in order to know where we are going. I think it is important that folks recognize September 17, that they should sit down and just start leafing through the Constitution.

□ 1210

I know this coming Friday, when we are all back in our districts again, I'm going to be back in my district talking at a school. From there, I'm going to go to a university in my district and talk about the Constitution and what it means to us. I think it's important that people know what it is because, again, as I said, people have got to understand how we are and why we are the way we are.

As the gentleman has said, this document has been in existence for 223 years from September 17. As just a little bit of background on how we got here, James Madison, when he was still in Virginia, really understood that the Articles of Confederation weren't working in this country. There was a dispute that was going on, and they wanted to really get something worked out with Maryland, so they kind of sat down and came up with an idea of having some kind of a get-together, a meeting, in Philadelphia.

The question really was at that time: Were they going to, A, just look at the Articles of Confederation and try to amend those, which is what a lot of the delegates who attended thought they were doing, or, as Madison thought, were they really going to sit down and bring forth a great new document that would get us past that trying time in our country's history and move us forward?

There was great debate, because as they assembled in 1787, in May of that year, and as the delegates were coming in from around the country from 13 States, in the debate, they were saying, Well, we should be doing this or we shouldn't be doing that because we're only supposed to be here for the Articles of Confederation; but folks really started sitting down and looking at the issue.

As they were looking at this, more and more people came to the conclusion which Madison had, and he had gone there prepared. It's amazing what he had done if you look at his background and what Madison was, but he went there. He had gone through the ancient charters, going back to Greece, to Rome, going across the world; and he looked at the best that was there at that time that they could examine. He

brought those things with him, and then the debates began.

The great thing about it was there were debates, and there was open discussion, but the open discussion was only amongst the members because, during that time, they said, you know, We do not want this to get out, so they actually closed the doors and shut the windows. Now, you've got to remember that this was one of the hottest years that they had had on record for a summer in Philadelphia. They closed the windows. They posted a guard at the door, and they didn't want anybody to know what the discussions were. Everybody was under pretty much an oath of secrecy that they would not go out and discuss what was being said in there at that time. We would know it today as a complete press blackout.

Though some of the members got disgruntled, they went home. Some of them came back, but some of them just said, You know what? I'm fed up with this. We shouldn't be doing what we're doing, and they left. Yet the ones who stuck it out are the ones to whom we owe our being where we are today.

You start looking at this document and the people that presided over that Constitutional Convention—you know, George Washington being the presiding officer, and then there also was a deputy from Virginia. You look at some other individuals—Alexander Hamilton from New York, Benjamin Franklin, Robert Morris, Governor Morris of Pennsylvania, of course James Madison, who we all know is the Father of our Constitution. These individuals made sure that they put forth a document that we would have and hold so dear to us today.

There were a lot of people at that time from around the world who were still looking at this fledgling country and asking, Can it really exist? Can it survive? But this little document, these 4,400 words, showed the world who we were as Americans and what we stood for.

Now, there was a lot of conflict, and there were a lot of things on which they could not come to a resolution during that time—slavery was one of them—but they hoped at some point in time that Americans would come to a resolution on that. As we saw this document progress during that time. On September 17, 1787, they finally came to a resolution, and they signed the document.

It's interesting because it's reported that, when Benjamin Franklin left Constitution Hall, a woman met him outside. She asked—and I'm paraphrasing—Mr. Franklin, what have you given us? He said to her in reply, A republic if you can keep it.

So, for these past 223 years in this country, it has been important that every generation read this document to understand who we are and why we want to preserve it. It is so important, in my opinion, that on September 17, this coming week, that we honor the Constitution with Constitution Day. I

would urge everyone to sit down, to pick up their little pocket Constitutions, to just read them, and to thank those individuals. In my opinion, the good Lord gave us such a small window of time, and He put so many great minds in one room to give this great document.

Mr. CLAY. Madam Speaker, I continue to reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Missouri has 18½ minutes remaining. The gentleman from Utah has 12 minutes remaining.

Mr. CHAFFETZ. Madam Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to celebrate this 223rd anniversary of the Constitution.

Over two centuries ago, 39 Founding Fathers signed a document that established a framework for the free and brave society that we have in this United States of America. It was in the late 18th century when the 13 colonies were suffering from heavy trade regulations and increasing taxes, with revenues being sent back to war-ravaged England. American colonists were exasperated by what could only be explained today as taxation without representation.

It was John Adams who then described the months that followed as the greatest single effort of national deliberation the world had ever seen, for our Founding Fathers made the first modern attempt at a republican democracy in human history. These brave visionaries succeeded in designing a government that would be the model of the free world right up until the current day.

See, our newly ratified Constitution posed a challenge to the age-old political belief, and that was equally distributed powers between three branches of government to create a limited form of government with checks and balances and to facilitate that the States and the people would retain all other power and authority not specifically delegated to those in Washington. It was James Madison, the author of the Constitution, who considered it the tools necessary to enable a government to control the governed but, in the same breath and the next place, to oblige it to control itself.

You know, unfortunately, the intrinsic values which made our country the prosperous Nation that it is today have been threatened since the Constitution's signing. Our Supreme Court, across the street, once called the guardians of the Constitution by Alexander Hamilton, have removed broad constitutional protections, which have vastly expanded the powers of the Federal Government. Big Government politicians in this legislative and executive branch have created so many new government bureaucracies that our annual

Federal spending right now has surpassed 37 percent of GDP. With these and more, the strict constitutional guidelines that our Founding Fathers put in place are now severely in jeopardy.

As a United States Congressman and founder also as I am of the Constitution Caucus here in Washington, my goal always has been to keep the Constitution in the forefront in modern-day politics, though, without its influence, we do not possess the groundwork needed to keep our country strong and free as we all desire.

It was Abraham Lincoln who famously said, Don't interfere with any of the Constitution. It is the only safeguard for our liberties. Well, I promise to keep that essential document integrated into our power policy decisions—any one that I make—and I look forward to keeping that shining city on the hill as our Founding Fathers created on this day 223 years ago.

I thank you all, and may God bless America.

Mr. CLAY. Madam Speaker, I continue to reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, we have no additional speakers. I would just urge my colleagues to please get behind us in support. This is something that, again, should unite us. The beauty and the profound nature of the Constitution, the very first three words of "we the people," this is something that is so profound and inspired within this Nation. I just urge all of my colleagues to get behind us and to support this resolution.

I yield back the balance of my time.

Mr. CLAY. Madam Speaker, in closing, I thank my colleague from Ohio for bringing this legislation to the attention of the body, and 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. 1612.

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. Madam 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.

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MANDATORY PRICE REPORTING ACT OF 2010

Mr. SCOTT of Georgia. Madam Speaker, I move to suspend the rules

and pass the bill (S. 3656) to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3656

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 "Mandatory Price Reporting Act of 2010".

SEC. 2. LIVESTOCK MANDATORY REPORTING.

(a) EXTENSION OF AUTHORITY.—

(1) IN GENERAL.—Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(2) CONFORMING AMENDMENT AND EXTENSION.—Section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) is amended by striking "September 30, 2010" and inserting "September 30, 2015".

(b) WHOLESALE PORK CUTS.—

(1) REPORTING.—Chapter 3 of subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635i et seq.) is amended by adding at the end the following new section:

"SEC. 233. MANDATORY REPORTING OF WHOLESALE PORK CUTS.

"(a) REPORTING.—The corporate officers or officially designated representatives of each packer shall report to the Secretary information concerning the price and volume of wholesale pork cuts, as the Secretary determines is necessary and appropriate.

"(b) PUBLICATION.—The Secretary shall publish information reported under subsection (a) as the Secretary determines necessary and appropriate."

(2) NEGOTIATED RULEMAKING.—The Secretary of Agriculture shall establish a negotiated rulemaking process pursuant to subchapter III of chapter 5 of title 5, United States Code, to negotiate and develop a proposed rule to implement the amendment made by paragraph (1).

(3) NEGOTIATED RULEMAKING COMMITTEE.—

(A) REPRESENTATION.—Any negotiated rulemaking committee established by the Secretary of Agriculture pursuant to paragraph (2) shall include representatives from—

(i) organizations representing swine producers;

(ii) organizations representing packers of pork, processors of pork, retailers of pork, and buyers of wholesale pork;

(iii) the Department of Agriculture; and

(iv) among interested parties that participate in swine or pork production.

(B) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any negotiated rulemaking committee established by the Secretary of Agriculture pursuant to paragraph (2) shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(4) TIMING OF PROPOSED AND FINAL RULES.—In carrying out the negotiated rulemaking process under paragraph (2), the Secretary of Agriculture shall ensure that—

(A) any recommendation for a proposed rule or report is provided to the Secretary of Agriculture not later than 180 days after the date of the enactment of this Act; and

(B) a final rule is promulgated not later than one and a half years after the date of the enactment of this Act.

(c) PORK EXPORT REPORTING.—Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by striking "cotton," and inserting "cotton, pork,".