

The legislation has received overwhelming support from a wide variety of groups such as the AMA. A new Washington Post/ABC News poll shows that 72 percent of Americans support the reauthorization of the CHIP program.

Mr. Speaker, I am heartened that 45 of my Republican colleagues in this body joined Democrats in passing this critical legislation. However, if the President wants to veto it, I hope other House Republicans will stand with America's children instead of with the President and vote to strengthen the CHIP program.

BURKE COUNTY FOCUSES ON EDUCATION

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, the strength of a community is best judged by how it deals with and faces adversity. Burke County, North Carolina exemplifies and illustrates how strong communities defeat hardship by channeling their efforts and resources for improvement.

When unemployment nearly quadrupled in 5 years, my constituents there banded together to build a better future. They recognize that an educated workforce is the key to economic growth, so they developed a plan to ensure that all high school graduates in the county have the opportunity to go to the local community college for a 2-year degree. Western Piedmont Community College is that college where they are offering it.

Through the hard work of Arrick Gordon and the Burke Alliance for Youth, the Burke Education Endowment Program is nearly at that goal. This weekend, the Overmountain Jamboree and Barbecue Cookoff, which will combine two powerful forces, North Carolina barbecue and country music, will be held this weekend in Morganton, and that will raise the final sum needed to provide that much-needed education to the local youth. It shows the strength of the community, and it shows the strength of the people of North Carolina.

BLACKWATER USA

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, yesterday's hearing in the Government Reform Committee left me with many concerns. I am concerned about Blackwater's role when they get involved in U.S. military operations.

In April and November of 2004, Blackwater personnel attached themselves to U.S. troops and engaged enemy positions. These actions may have set a bad precedent and may have been a catalyst that led to the September 16 shooting death of Iraqi civilians.

I also am concerned about Blackwater's unprecedented rise in procurement of Federal Government contracts. Initially, Blackwater was awarded no-bid contracts for security services in August of 2003 and June of 2004 worth more than \$73 million, and the President just today vetoed a bill for children's health that was worth \$11 billion.

HOUSE GOP GIVES PRESIDENT BLANK CHECK ON WAR FUNDING BUT NICKEL AND DIMES CHILDREN'S HEALTH

(Mr. HODES asked and was given permission to address the House for 1 minute.)

Mr. HODES. Mr. Speaker, when it comes to funding the war in Iraq, President Bush and the House Republicans are willing to write blank checks for billions of dollars with absolutely no questions asked. After billions misspent and mismanaged, the President is preparing a new war funding request for the upcoming year that is expected to cost the American taxpayer another \$190 billion. Contrast that with the disregard both the President and the majority of House Republicans have shown towards bipartisan legislation that would ensure that 10 million low-income children have access to health insurance.

President Bush has just vetoed a bill that would invest \$35 billion more in the CHIP program over the next 5 years and allow us to reach 4 million more children who are already eligible for the program. House Republicans will now have to decide if they will once again stand with a President who suffers from misguided priorities or if they will listen to the American people's will.

I say to my friends on the other side of the aisle, it's time to stand up for our kids and stand down from a discredited President.

PRIVATE SECURITY CONTRACTORS IN IRAQ

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, I rise today to decry our unprecedented use of unaccountable private security contractors in Iraq.

By some estimates, there are over 50,000 private security personnel working in Iraq. These contractors operate outside U.S. and Iraqi law, raising animosity toward Americans in the field and losing us hearts and minds in Iraq.

The activities of one of the most prominent contractors, Blackwater, highlight why they are a counterproductive influence in Iraq, and their activities must be curtailed.

Two weeks ago, Blackwater personnel guarding a State Department group were involved in a shootout that resulted in the deaths of as many as 17

Iraqis. Yesterday, the Government Reform Committee disclosed that Blackwater has been involved in 195 escalation of force incidents since 2005; and in 80 percent of those, Blackwater fired the first shots. These incidents, combined with others, clearly indicate that we need to stop putting contractors in Iraq and bring those there under control, which is why I have introduced legislation to freeze the number of contractors operating in Iraq at September 1 levels. And I am a proud cosponsor of the bill we will vote on today, the MEJA Expansion Act, to bring these contracts under control.

PROVIDING FOR CONSIDERATION OF H.R. 2740, MEJA EXPANSION AND ENFORCEMENT ACT OF 2007

Ms. SUTTON. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 702 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 702

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2740) to require accountability for contractors and contract personnel under Federal contracts, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the 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. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous

question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2740 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SALAZAR). The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

(Ms. SUTTON asked and was given permission to revise and extend her remarks.)

Ms. SUTTON. H. Res. 702 provides for consideration of H.R. 2740, the Military Extraterritorial Jurisdiction Act Expansion and Enforcement Act of 2007, under a structured rule.

The rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order and provides appropriate waivers for three amendments.

Mr. Speaker, I rise today in support of this rule and the underlying bill which helps to address one of the most disturbing and pressing issues to come before the Congress this year, the lack of oversight and accountability of contractors abroad and here at home. And it is vital that we are passing the MEJA Expansion and Enforcement Act today to address at least one of these critical issues.

Currently, there are estimated to be at least 180,000 contractors working in Iraq under contracts awarded by the Department of Defense, the State Department, the U.S. Agency for International Development, and other Federal agencies. Yet under current law, only contractors working for the Department of Defense can be held responsible for crimes they commit while working in Iraq, Afghanistan and elsewhere throughout the world.

At present, the Military Extraterritorial Jurisdiction Act, MEJA, leaves felonies committed by contractors working for other Federal Departments unpunished. This is unfair and unacceptable, and this Congress must act to ensure that justice is not a selective American principle.

Our current law has given private mercenary armies like Blackwater

USA free rein to do as they please without fearing the repercussions. And as we have seen, that unbridled freedom from any accountability has resulted in sometimes egregious criminal behavior. But under the MEJA Expansion and Enforcement Act, Federal contractors working for every Department and agency will be held responsible for criminal acts. It will also direct the FBI to establish units to investigate crimes committed by contract personnel operating abroad.

Mr. Speaker, it simply makes no sense to hold contractors to a different standard than American citizens living at home or even the brave soldiers who risk their lives every day in Iraq. It is a travesty of justice that we allow private armies to evade punishment for serious crimes, especially considering we have prosecuted our soldiers for the very similar actions.

□ 1045

In a recent incident that has received significant scrutiny, Blackwater guards were involved in a September 16 shootout in Baghdad that left 11 Iraqis dead and a number wounded. This event spurred such a tremendous public outcry that Secretary of State Condoleezza Rice had to apologize to Iraqi Prime Minister Nouri al Maliki.

And we have learned from reports compiled by Blackwater themselves that since 2005, its employees have been involved in at least 195 incidents in Iraq that involved the firing of shots by Blackwater guards. Blackwater's contract with the State Department stipulates that Blackwater may only engage in defensive use of force. However, in the vast majority, over 80 percent, of these shooting incidents, Blackwater's own reports revealed that its guards fired the first shots. In one incident that has recently come to our attention, Blackwater guards shot a civilian bystander in the head. In another, State Department officials report that Blackwater sought to cover up a shooting that killed a seemingly innocent bystander.

Since the wars in Iraq and Afghanistan began, and despite numerous instances where the military has found probable cause that a crime has been committed and has referred the case to the Justice Department, there has been only one successful prosecution of a civilian contractor for wrongdoing.

Without fear of reprisal, these reckless contractors have operated with no regard for the private property of innocent Iraqi citizens. In a November 2005 incident, a Blackwater motorcade collided with 18 different vehicles. Written statements from team members were determined to be invalid, and a Blackwater contractor on the mission stated his tactical commander "openly admitted giving clear direction to the primary driver to conduct these acts of random negligence for no apparent reason."

Mr. Speaker, we have seen the number of contractors increase exponen-

tially as the Bush administration has placed an unnecessary strain on our Armed Forces through the war in Iraq. In 2001, Blackwater had less than \$1 million in Federal contracts. By 2006, that figure had grown to over half a billion dollars, an increase of more than 80,000 percent. Today, there are approximately 180,000 Federal contractors in Iraq alone, a number greater than the American military presence. Because of the President's policy of escalation in Iraq, we have become more reliant on these contractors to protect American interests there. For every Blackwater mercenary the United States Government hires to protect embassy officials, Blackwater charges \$1,222 per day, which is over six times more than the cost of an equivalent American soldier.

Mr. Speaker, the lack of oversight of Federal contractors committing crimes overseas is an example of how the system of Federal contracting is broken. Earlier this year, this Congress got off to a strong start by passing H.R. 1362, the Accountability in Contracting Act which helped restore integrity to the contracting process. I am also proud to be the sponsor of H.R. 2198, the Contractor Accountability Act, which will require the head of every agency and department to ensure that every Federal contract recipient is fulfilling their obligations after they are awarded that contract. It requires that every Federal agency and department awarding contracts submit a report on the status of those contracts to Congress. This is the type of oversight and accountability that is necessary to ensure that the problems that are happening in Iraq with Federal contractors and here at home can finally be put to an end.

Today, with the passage of the MEJA Expansion and Enforcement Act, we are addressing a critical loophole in our contracting crisis by ensuring that those contractors who commit crimes are held accountable for their actions. What we seek to do today is simple but important. The MEJA Expansion and Enforcement Act will hold Federal contractors operating overseas to the same standards we hold ourselves and to which we hold our brave troops. And let's be clear. This bill does not prevent contractors from using force if the situation calls for it. Our bill simply allows contractors to be punished for committing acts of murder and other felonies. Nobody should be immune from the law. This legislation will ensure that no one, even if he is a private contractor in Iraq, is.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

Mr. Speaker, let me begin by saying this rule provides for the consideration of H.R. 2740, the MEJA Expansion and

Enforcement Act. This bill is an attempt to ensure that all Federal civilian contractors can be prosecuted for crimes they commit abroad. The issue before us today is not, Mr. Speaker, a policy decision to determine whether or not contractors should be in Iraq, but, rather, the issue is whether the principle of current law should be applied to civilian contractors.

Yesterday, Mr. Speaker, Mr. FORBES, the ranking member of the Subcommittee on Crime, Terrorism and Homeland Security in the Judiciary Committee testified before the Rules Committee that while the intent of this legislation is right, this bill is very, very poorly drafted. During markup of the bill by the House Judiciary Committee, Mr. FORBES and other Republicans on the Judiciary Committee raised concerns with Members on the other side of the aisle. Republicans agreed that they would work to move this legislation forward because of assurances made by the majority members of the committee that their concerns would be worked out. Mr. FORBES testified before the Rules Committee that his main concerns with the bill were a lack of clear definitions, vague language and Federal mandates on the FBI without additional resources.

Mr. Speaker, a manager's amendment was submitted to the Rules Committee and it wasn't until after the Rules Committee amendment deadline had passed Monday evening that Mr. FORBES found that none of the concerns raised by Republicans were addressed in the manager's amendment. At this point, of course, it was too late for Mr. FORBES and other Members to submit amendments. Had they tried to submit amendments to the Rules Committee past the deadline, they likely would have been turned away at the Rules Committee door, just as many Members, including myself, have been this Congress.

Yesterday, the ranking member, Mr. DREIER, attempted to provide an open rule for consideration of this bill. An open rule would have allowed any Member of the House of Representatives an opportunity to come forward and amend the bill, and especially those members of the Judiciary Committee that felt that they were left out of this process. However, the Democrat-controlled Rules Committee rejected this idea on a party line vote of 8-4.

Mr. DREIER then attempted to allow Mr. FORBES to offer an amendment on the floor today to make changes to the bill in order to restore the commitment that was once made by the Democrat majority. But I am disappointed that this attempt was also rejected on a party line vote of 8-4.

Mr. Speaker, the underlying bill was reported by the Judiciary Committee over 2 months ago and yet the Democrat majority failed to make good on their commitment to address the reasonable and entirely justifiable concerns raised by Republicans.

Mr. Speaker, contractor accountability is an issue that should be discussed and addressed in a bipartisan manner. But there are legitimate concerns with the way this bill was drafted. Unfortunately, this rule denies Members, including all Republicans, an opportunity to improve the underlying bill. Because the Rules Committee has once again chosen to stifle bipartisanship and deliberation by bringing forth this restrictive rule, I must urge my colleagues to oppose this rule, House Resolution 702.

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

Ms. SUTTON. Mr. Speaker, before I yield time to the distinguished gentlewoman from California, I would just like to say that in the process of this bill coming forward, not a single Republican offered an amendment in the committee. Though the committee reported the bill by voice vote, not a single person voted "no." Only one Republican offered an amendment for the floor, and it had nothing to do with the scope of the bill and was nongermane.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentlewoman yield?

Ms. SUTTON. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate the gentlewoman yielding. She was in the committee yesterday when Mr. FORBES testified. I would hope that the gentlewoman would agree with me that when Mr. FORBES testified under questioning from me asking if he felt that he had assurances that these issues would be worked out from the time that the committee passed the bill out of committee in August until now, and he said that he felt that that commitment was a strong commitment, and therefore, he didn't offer any amendments.

Now, would the gentlewoman agree with me that that was what Mr. FORBES said?

Ms. SUTTON. I thank the gentleman for his question.

I think that the important thing here to look at is there was an opportunity for the Republican side to offer amendments, and only one was offered yesterday in committee. There was an opportunity, obviously, for those to be presented.

Mr. HASTINGS of Washington. Will the gentlewoman further yield on that point?

Ms. SUTTON. Certainly.

Mr. HASTINGS of Washington. I appreciate the gentlewoman for yielding.

Mr. Speaker, I just want to say under questioning when I asked Mr. FORBES, because he stated that the deadline had passed when the manager's amendment which did not address their concerns was introduced, he then, of course, would be prohibited from offering amendments. I asked him if there were an opportunity in the next 24 hours, i.e., from yesterday until today, could they prepare amendments to address these concerns, he said, "Yes."

I hope that the gentlewoman will agree with me that that is what he said

yesterday in front of the Rules Committee.

Ms. SUTTON. Reclaiming my time, Mr. Speaker, the reality of this is there was an opportunity to offer amendments as explained. Somebody did offer an amendment. Unfortunately, that amendment was nongermane.

At this point I would like to yield 4 minutes to the gentlewoman from California (Ms. MATSUI), a distinguished member of the Committee on Rules.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me time.

I rise today in strong support not only of this bill but also of increased accountability in Iraq. From the outset, this misguided war has been characterized by gray areas, gray areas of policy, of motivation and of legitimacy. One consequence of these gray areas has been the collapse of law and order in Iraq. Many military contractors, contractors paid by our government, contribute to the chaos there.

Mr. Speaker, the Iraq war is a first major conflict in which private contractors perform tasks typically done by uniformed military. Employees from companies like Blackwater provide security for military and political figures. They protect buildings. Rumors have swirled that they may soon guard military convoys.

Mr. Speaker, private contractors acting in military roles should be held to the same standards as our armed services. They should not have free rein to shoot, maim and kill people in the name of security. If they act illegally, they must be punished accordingly. This, Mr. Speaker, is what law and order means. We cannot convince the world that we value peace and security if American contractors are undermining it in Iraq. It is hypocritical for us to ask Iraqis to obey the rule of law when we do not demand the same from the contractors we are paying. Like all of my colleagues, I want our brave young men and women in Iraq to be as safe as they can be. The legislation before us today will help restore the trust of the Iraqi public and of the international community.

During World War II, only 5 percent of our in-theater forces were private contractors. Today, we have just as many contractors in Iraq as we do American soldiers, contractors who are not accountable to the American people but who are paid for by the American people. Crimes committed by these contractors are the reason why this bill is so long overdue. It finally holds contractors accountable for their actions. But the larger issue is that our men and women in uniform are overburdened. Our military is in danger of collapsing under the strain of a never-ending war. This is one of the many reasons why we must change course in Iraq.

That, Mr. Speaker, is my objective. It is the objective of a clear majority in the House. It is the will of the American people. We must do everything we

can to increase oversight of contractors. This legislation is a step in the right direction.

I urge my colleagues to take this step today so that in the coming days, we can finally change our Nation's course in Iraq.

□ 1100

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make the point once again, the reason that there were no Republican amendments that were submitted to the Rules Committee is because there was a clear, clear understanding when the bill was passed out of the Judiciary Committee that the issues and concerns that were raised by the Republicans would be addressed in a bipartisan way, and the vehicle by which they would be addressed was a manager's amendment, which is a normal process when you bring bills to the floor. That commitment was apparently not fulfilled.

By the time that the manager's amendment was drafted, with the idea that supposedly in a bipartisan way these issues would be addressed, it was too late for any Republican to offer an amendment because it was past the deadline that was put in place by this new majority on the Rules Committee. Therefore, there was no chance for Republicans to submit any amendments. Therefore, there were no amendments that were submitted.

So I just wanted to set the record straight, Mr. Speaker, that the reason that there were no Republican amendments submitted to the Rules Committee is because a promise and a commitment was broken between August 2 and October 2, yesterday, when we met on this bill.

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

Ms. SUTTON. Mr. Speaker, at this time I yield 4 minutes to the author of the bill, the gentleman from North Carolina (Mr. PRICE).

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 6 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, I thank my colleagues for yielding.

Mr. Speaker, I came to the floor to be a resource in this rules debate, but not to take on the role of a Rules Committee member. Since the gentleman has raised the issue of the kinds of amendments that were or were not proposed and the kind of accommodations that were or were not made, I think perhaps I can respond in a helpful way.

The approach that we have taken to this bill has been to invite and respond to critiques that various stakeholders might have of the way we were approaching this. The gentleman is probably aware we had a manager's amendment in committee that accommo-

dated legitimate concerns. Perhaps that was one factor producing an approval by the committee without dissent. We have a manager's amendment today that is similarly taking into account a number of the concerns that have been raised. We have been open to suggestions.

The amendment that the gentleman is referring to, however, the Forbes amendment, was not of the character that one would normally include in a manager's amendment. I think we have been clear all along that the kinds of amendments that would be appropriate for consideration in that technical vein would not include amendments that went to the very heart of the bill, such as an amendment that would compromise the FBI role in the legal regime we are setting up.

Mr. HASTINGS of Washington. Mr. Speaker will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate the gentleman yielding for this exchange, because I think it is important. This issue is very, very important because we are talking about ultimately a portion of the security of our country, and I think we need to address that in a bipartisan way.

I am simply pointing out, in testimony yesterday in front of the Rules Committee, Mr. FORBES was given the assurance when the bill left the Judiciary Committee, and I don't think that the gentleman is on the Judiciary Committee, but he felt that he had a commitment that those concerns be addressed.

Now, having concerns addressed and being totally satisfied are two different things. If they weren't satisfied, then you could offer an amendment to make the adjustments and you could debate those issues. The point I am making is that Mr. FORBES felt that the commitment that was given to him to make those adjustments and those concerns were not fully addressed; therefore, he didn't submit any amendments to the bill. I am not suggesting that all of his concerns should be in the manager's amendment; I am simply suggesting that he was denied the opportunity, in his mind, to have these concerns addressed.

Mr. PRICE of North Carolina. Mr. Speaker, reclaiming my time, the gentleman will understand that I am not in a position to give the blow-by-blow account in either the Judiciary Committee or the Rules Committee, but I will convey my understanding, because I think it is important to do that.

We are talking here about an amendment that Mr. FORBES wrote, which as I understand it would compromise the bill by stripping out the requirement for FBI units to be pre-positioned on the ground to investigate alleged criminal behavior.

I am characterizing the amendment because I did not ever have the text of the amendment. I don't think anyone

did. It was sprung on the Rules Committee yesterday. It would seem to me, with all due respect, that if there were a concern that the manager's amendment might not be adequate, particularly on a matter of this scope, which is way beyond the usual scope of a manager's amendment, Mr. FORBES might have circulated a draft of a possible amendment, so that it could be discussed rationally in the Rules Committee if the manager's amendment somehow fell short. My understanding is that this was not done.

Mr. HASTINGS of Washington. Mr. Speaker, if the gentleman will yield further, I just want to, Mr. Speaker, tell my colleagues that there was no Forbes amendment in front of the Rules Committee, so I can't even pass judgment whether it addressed the concerns that he had. He did not submit an amendment to the Rules Committee. He did not submit an amendment to the Rules Committee because he was given the assurances that the concerns that were raised when the bill came out of committee would be addressed.

While the gentleman is probably talking about a potential amendment, nobody on the Rules Committee saw the amendment, because the amendment was not submitted to the Rules Committee because he felt his concerns were not addressed.

Mr. Speaker, I thank the gentleman for allowing me to clarify that. When he talks about the Forbes amendment, there is, or was no Forbes amendment in front of the Rules Committee yesterday.

Mr. PRICE of North Carolina. Mr. Speaker, that is true. It is a hypothetical. I am giving my understanding as to the content of that amendment. But the point is, I would say this subject matter is not the stuff of a potential manager's amendment, and if there was some kind of concern about what the manager's amendment would contain, the prudent course would have been to have some kind of draft that the gentleman and others could have looked at so that the Rules Committee could have acted on it intelligently.

My main point, Mr. Speaker, is to say that our approach to this bill all along has been nonpartisan. We have had good bipartisan cooperation and support every step of the way. We have accommodated in manager's amendments, in the committee and here today, the legitimate concerns that were raised. I simply want to register the hope that that pattern of partisan cooperation can continue as we debate this bill.

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

Mr. Speaker, again, I just want to reiterate, without beating this to death, that not a single Republican amendment was offered in committee. There was opportunity to provide amendments yesterday in the Rules Committee. This is an important bill that we need to stay focused on the substance of as well.

Mr. Speaker, at this time it is an honor to yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman yielding me time. I do think the admonition is important to focus on the substance of this legislation. The Rules Committee, as she points out, wasn't given an alternative and there is nobody in this Chamber, I think, that has a better, more well-deserved reputation for being a thoughtful, bipartisan Member to try and solve problems than our colleague, the primary sponsor of this legislation, the gentleman from North Carolina (Mr. PRICE). I am privileged to be a cosponsor of the legislation with him.

Mr. Speaker, this is an opportunity for this Chamber to focus on an important area of accountability. We have in the newspapers, not just this week, we have had accounts going on not just for months, but from the outset of this war about the trend to outsource fundamental functions that heretofore have been the province of United States soldiers. It has had significant consequences. We are now finding, as a result of some of the hearings, that there have been repeated instances of violence. We are finding that there is no good remedy currently under the law. There is basically no clear line of authority to get back to be able to exercise the oversight and accountability of the security function that has been outsourced.

What Mr. PRICE has offered up is a small part of moving in the direction that we should have done from the outset. I would hope that we can get past the discussion on the rule. I plan on supporting it and look forward to a vigorous debate on the floor to open up this question of accountability for a war that is outsourced, for costs that are five times what an American soldier would do to provide exactly the same function. With the American soldier at one fifth the cost of a mercenary there is a clear line of authority. If something goes sideways, we know what is going to happen.

Mr. PRICE has offered up legislation that gets us started in that direction. It is a thoughtful, bipartisan, narrowly crafted effort. It is not the whole answer, but it moves us in the right direction. I would strongly urge that my colleagues support the rule, support the underlying bill, and get us moving into an important area of debate, accountability and responsibility. Our failure in this area is going to have serious consequences for years to come. We are already seeing this with the Iraqi Government. We are seeing it in terms of problems on the ground. We are seeing questions that are being asked, answers demanded by Americans and Iraqis alike. Working together on this bill is a first step towards remedying that situation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would agree with the previous speaker, my friend from Oregon, that the sponsor of this bill, the gentleman from North Carolina (Mr. PRICE), is a very, very thoughtful individual. I have worked with him on some issues, and I would agree with that. I think Members would also agree with me when I say that the gentleman from Virginia (Mr. FORBES) is also a very thoughtful individual and somebody that you can work with on a bipartisan basis.

When somebody like Mr. FORBES comes to the Rules Committee and tells us that he was given a commitment about concerns that he felt needed to be addressed in this legislation and was given the assurances that they would be addressed, not necessarily solved but at least be addressed, I think you would have to say that he was acting in very good faith. I think this sends a very, very strong message for Members that want to work in a bipartisan way and then get treated as Mr. FORBES said he was treated. I think that is not good for the institution.

So I just want to, Mr. Speaker, reiterate once again what happened. The reason that there were no amendments substantive to the issue of the concerns that were submitted by Republicans to the Rules Committee is because the ranking member on the subcommittee dealing with this issue felt that the commitments that were given to him were not carried out. There were no, apparently, discussions of what was going into the manager's amendment.

Again, I am not suggesting Mr. FORBES would have been totally happy, but he could have offered an amendment to address those concerns. He was denied that opportunity simply, simply because he felt the commitment that was given to him when the bill came out of the Judiciary Committee was not carried through.

So it is for that reason, that reason that we probably won't have as robust a debate on this issue, and in all likelihood we won't have the kind of legislation that needs to go forward in a bipartisan manner on something where everybody agrees that the intent of this legislation is what everybody agrees on a bipartisan basis needs to happen. I regret that. It is for that reason that I ask my colleagues to vote "no" on the rule.

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

Ms. SUTTON. Mr. Speaker, I am the last speaker at this time on my side, so I will reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, for the past several weeks my colleagues on the Rules Committee and I have called for a vote on the previous question and will be doing so again today. Why? Because we are concerned that the House rules are flawed when it comes to the enforceability of earmarks.

Republican Leader BOEHNER has a proposal that will improve the House

rules and allow the House to debate openly and honestly the validity and accuracy of earmarks contained in all bills. I am asking that my colleagues vote "no" on the previous question so that I can amend the rule to allow the House to immediately consider House Resolution 479 introduced by Republican Leader BOEHNER.

By defeating the previous question, the House will still be able to consider the MEJA Expansion and Enforcement Act today, but will also be able to address earmark enforceability in order to restore the credibility of the House. I am hopeful today will be the day my colleagues will defeat the previous question and, in doing so, will send a strong message to American taxpayers that this House is serious when it comes to earmark transparency.

□ 1115

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to oppose the previous question and the restrictive rule.

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

Ms. SUTTON. Mr. Speaker, I want to congratulate the distinguished gentleman from North Carolina on this strong bipartisan bill. The MEJA Expansion and Enforcement Act is critical, commonsense legislation to hold contractors responsible for criminal behavior, just like we hold our troops responsible for crimes when they are committed, and just like we hold American citizens responsible for following the law.

Those who argue against this measure seem willing to tolerate lawlessness in countries where our military is seeking to restore justice. The truth is, every time we see an incident with an Iraqi civilian being killed and American contractors escaping accountability, our men and women in uniform suffer. They see support from the insurgents rise and they lose the trust of the Iraqi people.

Our troops are not responsible for the strain that the President has placed on our Armed Forces which has led to the need for mercenaries to carry out missions that our troops capably handle, and it is tragic that the troops are targeted for the negligence of private contractors. We owe it to our troops and the Iraqi people to ensure that contractors are held to the same standards of justice as everybody else. Only then will we see a true deterrent to vigilante behavior and reckless actions by private citizens working overseas for our Federal agencies and Departments.

It is simple, Mr. Speaker. The MEJA Expansion and Enforcement Act extends policies that are in place for the

Department of Defense to contractors for other agencies.

And let's be clear: Nobody is accusing every single contractor of committing the criminal acts we have talked about today. But when a contractor does commit a crime, they must be punished and we must have consequences to serve as a deterrent. It should not be controversial to punish people for committing murder and other felonies. This is a giant loophole in our law that is hurting our reputation abroad, hurting our troops in the field and is making a mockery of the American sense of justice.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 702 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommend.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. 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, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 928, IMPROVING GOVERNMENT ACCOUNTABILITY ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 701 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 701

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except

those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the 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. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. During consideration in the House of H.R. 928 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 701.

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

There was no objection.

Ms. SUTTON. Mr. Speaker, House Resolution 701 provides for consideration of H.R. 928, the Improving Government Accountability Act. The rule provides for 1 hour of general debate controlled by the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in