

Wednesday, October 3, 2007

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business	Last Vote: 5:00-6:00 p.m.
Fifteen "One-minutes" Per Side	

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

### Floor Schedule and Procedure

- **H. Res. 702-Rule providing for consideration of H.R. 2740 – MEJA Expansion and Enforcement Act of 2007 (Rep. Sutton-Rules):** The structured rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Sutton and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule.**
- **H.Res.701-Rule to provide for consideration of H.R. 928 - Improving Government Accountability Act (Rep. Sutton-Rules):** The structured rule provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Oversight and Government Reform. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Sutton and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule.**

- **H.R. 928 - Improving Government Accountability Act (Rep. Cooper – Oversight and Government Reform):** Pursuant to the rule, debate on the bill will be managed by Committee on Oversight and Government Reform Chair Rep. Henry Waxman, or his designee, and will proceed as follows:
  - One hour of debate on the bill.
  - Debate and votes on amendments to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on final passage of the bill. **Democrats are urged to vote yes on final passage.**
  
- **H.R. 2740 – MEJA Expansion and Enforcement Act of 2007 (Rep. Price (NC) – Judiciary):** Pursuant to the rule, debate on the bill will be managed by Judiciary Committee Chair Rep. John Conyers, or his designee, and will proceed as follows:
  - One hour of debate on the bill.
  - Debate and votes on amendments to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on final passage of the bill. **Democrats are urged to vote yes on final passage.**

### **Bill Summary and Key Issues**

#### **H.R. 928 - Improving Government Accountability Act**

H.R. 928 updates the Inspector General Act of 1978 to promote independence and accountability for Inspectors General in executive branch departments and agencies.

The bill includes provisions for (1) a defined term of office for the Inspectors General and conditions for removal, (2) Inspectors General to submit their budgets directly to the Office of Management and Budget (OMB) and Congress, (3) the statutory establishment of a combined President’s Council on Integrity and Efficiency and Executive Council on Integrity and Efficiency, (4) pay reform for Inspectors General, (5) changes in Inspector General investigative and law enforcement authorities, (6) the application of semiannual reporting requirements with respect to inspection reports and evaluation reports, and (7) enhanced authority for the Government Accountability Office (GAO).

#### **Anticipated Amendments to H.R. 928**

**Conyers (MI), #4,** The amendment would provide that the Department of Justice (DOJ) Inspector General is not required to refer to the Counsel of the Office of Professional Responsibility (OPR) of DOJ, allegations of misconduct involving DOJ attorneys and related personnel where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice. (10 minutes)

**Davis, Tom (VA), #5,** The amendment would revise section 3 (“direct submission of budget requests to Congress”) by striking language authorizing all IGs to

independently submit their office's budget requests to Congress, separate and apart from the President's budget submission, and inserting language requiring IGs to notify Congress only if the budget request submitted by the agency would "substantially inhibit the Inspector General from performing the duties of the office." (10 minutes)

**Miller, Brad (NC), #2,** The amendment would add additional reasons for which an IG may be removed from office, make certain changes to make the statute conform to existing Executive Orders, and require an annual report by the Council of the Inspectors General on Integrity and Efficiency on the activities of its Integrity Committee. (10 minutes)

**Miller, Brad (NC), #3, (REVISED)** The amendment would establish a committee of Inspectors General of the Inspectors General Council to review the qualifications of nominees and final candidates for the position of Inspector General in all government establishments and entities to determine whether they meet the integrity and professional qualifications for the position established by the Inspector General Act. The committee would also be required to report back to the relevant Senate committee or federal appointing entity. (10 minutes)

**Gillibrand (NY), #6,** The amendment would require that each federal agency website has a direct link to the website of the Office of Inspector General for that agency, that the Inspector General of each agency posts all reports and audits online within one day of being made publicly available, and that all Inspector General websites facilitate the individual, anonymous reporting of waste, fraud and abuse. (10 minutes)

### **H.R. 2740 – MEJA Expansion and Enforcement Act of 2007**

H.R. 2740, the MEJA Expansion and Enforcement Act, addresses two major concerns regarding the operation of contractors in war zones:

The bill amends the *Military Extraterritorial Jurisdiction Act* (MEJA) to ensure that all contractors are accountable under U.S. criminal law; and

The bill mandates that the Department of Justice, through the FBI, enforce MEJA by investigating and prosecuting offenses under the law.

**MEJA Expansion.** There are an estimated 180,000 or more 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. MEJA only extends U.S. federal criminal jurisdiction to felony crimes committed overseas by contractors working for the Defense Department. For example, in the widely reported incident of September 17, 2007, in which 11 Iraqi civilians were killed, there is no clear authority for holding the State Department-contracted employees involved legally accountable. H.R. 2740 would amend MEJA to ensure that all contractors working in war zones – regardless of contracting agency – would be held accountable under U.S. law.

**MEJA Enforcement.** A law by itself is not enough; the law must be proactively enforced. Given the unstable environment in Iraq, the enforcement of MEJA requires adequate law enforcement assets within the theater of conflict to enable

the immediate investigation of allegations of criminal activity. H.R. 2740 would establish FBI in-theater units to investigate every incident for which there is reasonable suspicion of criminal felony misconduct. The bill would also require the Department of Justice Inspector General to examine the number and nature of alleged incidents of misconduct thus far, along with the number of investigations, indictments, and/or prosecutions involving such cases.

### **Anticipated Amendments to H.R. 2740**

**Conyers (MI)/Price, David (NC)/Scott, Robert (VA): Manager's Amendment. (Revised)** The amendment clarifies that the FBI investigate those fatalities resulting from the "potentially unlawful" use of force. The amendment also allows the Attorney General to request assistance from other federal agencies when assigning personnel and resources to the FBI Theater Investigative Unit. The amendment mandates that the FBI request security assistance from the Secretary of Defense in any case in which the FBI Units need adequate security. (10 Minutes)

**Schakowsky (IL): (Revised)** The amendment would require the Department of Justice to report a list of charges that have been brought against contractors and contract employees in and ; and a description of the legal actions taken by the government against contractors and contract employees in and as a result of a criminal charge or criminal investigation. (10 Minutes)

**Hill (IN):** Would require the Director of the FBI to submit an annual written report to Congress of the progress of the Theater Investigative Units, including the number of reports received of criminal misconduct by contractors, the number of reports received of fatalities caused by contract personnel, the number of cases referred to the Attorney General, and statutory changes necessary for the Director to carry out the duties entailed by this bill. (10 Minutes)

### **Quote of the Day**

“The pace of events is moving so fast that unless we can find some way to keep our sights on tomorrow, we cannot expect to be in touch with today” -Dean Rusk