

I think this is a bill that should be passed overwhelmingly.

Mr. WEBSTER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

□ 1420

Mr. HASTINGS of Florida. I yield myself the balance of my time.

Mr. Speaker, so soon after commemorating Memorial Day and honoring our Nation's veterans, we all can be pleased by the level of bipartisan support provided in this legislation for essential veterans programs. We all know that they deserve the very best support our Nation has to offer, and I am pleased to note that Democrats and Republicans came together to craft legislation that provides the necessary resources for veterans and their families.

As I pointed out, I wish that the language relating to project labor agreements was not in this bill. I believe that President Obama's executive order gives, rightly, Federal officials flexibility in determining the most cost-efficient method of completing large-scale construction projects. The executive order simply provides options, and the language in the bill by the majority closes those options off. This is going to be, in my view, inefficient and costly and shouldn't be included in the underlying legislation.

So, too, must this Congress deal reasonably with the issues that I spoke of regarding Guantanamo Bay. Congress has a responsibility to ensure that the United States upholds the rule of law, remains true to the great foundational ideals of our democracy, and has flexibility in its counterterrorism policies to ensure an effective national security strategy.

I urge my colleagues to vote "yes" on the rule.

I yield back the balance of my time.

Mr. WEBSTER. Mr. Speaker, as you heard me say earlier, my Republican colleagues and I are committed to providing a more open, transparent and accountable process here. Today's bill is a monumental step towards that right direction, and it's an example of a big desire within our own Speaker's heart to change the way things work here in Washington.

The underlying bill has bipartisan support. It went through the regular order; it provided an open rule to allow Republicans and Democrats alike to bring up their ideas and debate them; and even some that have been brought up by the minority here, those are brought up in a way that we will have an opportunity to amend at a later date.

Mr. DICKS. Will the gentleman yield?

Mr. WEBSTER. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

Can the gentleman explain why all of a sudden the new majority has decided to have a separate vote on one Department and risk the possibility of going

to conference, say, with Military Construction but not with the Veterans Affairs? What is the purpose for this, especially with an open rule when you can vote on any provision in the bill?

Mr. WEBSTER. In doing so, we are delivering on the Speaker's promise to reduce so-called "omnibus" bills to a smaller, more understandable bill that gives Members the opportunity to have an up-or-down vote on Cabinet-level Departments contained in the bill.

I will tell you that I experienced the same thing. I used to be a leader of a group in Florida which was known as the House of Representatives. And as Speaker there, we did the same thing. It was the first time ever, and I always knew, a lot of people with questions, can you divide up the different appropriations and send them to a Senate who may have a smaller—yes, you can. And basically all we did was break up the conferences. The conferences stayed exactly the same. The Members were appointed, and two bills, let's say, instead of one were sent to a particular conference while the Senate added their one. And then they were combined at a later date and passed as a general appropriation act.

So it can work, I promise you. I know it's new; I know it's different. You probably would question that there is something behind it—

Mr. DICKS. Do you think it's a good idea?

Mr. WEBSTER. I do believe it's a good idea. And the reason I believe it's a good idea is because I think there was some angst about looking at a large package at one time, and this is just an opportunity to break it up. I don't think it changes anything. I think it gives us an opportunity to actually scrutinize in a better way.

Mr. DICKS. Well, you could have another subcommittee. You could have a subcommittee do Veterans Administration and one do Military Construction. Anybody thought about that?

Mr. WEBSTER. I don't know.

Mr. DICKS. I appreciate the gentleman yielding.

Mr. WEBSTER. Reclaiming my time, I will start where I left off.

The vote on the rule, which provides an open and transparent process, which makes no limitations on amendments, where ideas and policies will rise and fall on their merits and their bases and debate and so forth, is an awesome opportunity for this House to speak its will, not just an up-or-down vote on one bill, but an up-or-down vote on amendment after amendment in order to perfect the bill.

The clash of ideas is a good thing. And as we debate these ideas and we hear them on the floor of the House and then we have an opportunity to vote on them, it makes a good bill a better bill. This is what the American people expect from their elected officials. It is an expectation that is fulfilled by the rule and produced in the underlying bill. I encourage all my colleagues to join me in supporting passage of this bill.

For over two centuries, our U.S. military has protected America from both our enemies and the enemies of our friends. The valor and dignity and courage of our men and women in uniform remain strong. From Valley Forge to Desert Storm, from San Juan Hill to Operation Enduring Freedom, the fighting spirit of American soldiers shines throughout history.

It is due to the lives selflessly lived and lost in defense of our country that we have the privilege to stand here today free and grateful. So thank you, veterans. And I, too, am glad that this happened just a few days after Memorial Day because it is a great way to remember the people that have given their lives for our country.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore (Mr. GOHMERT). Pursuant to House Resolution 287 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2017.

□ 1426

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, with Mr. GINGREY of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Texas (Ms. JACKSON LEE) had been disposed of and the bill had been read through page 92, line 7.

AMENDMENT NO. 42 OFFERED BY MR. COLE

Mr. COLE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used to implement any rule, regulation, or executive order regarding the disclosure of political contributions that takes effect on or after the date of enactment of this Act.

The Acting CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. COLE. Mr. Chairman, in April, a draft executive order was circulated

that would force companies as a condition of applying for a Federal contract to disclose all Federal campaign contributions. In my view, if implemented, this executive order would lead to a significant politicalization of the Federal procurement process. Instead of a company being evaluated and judged on its merits, their past work experience, their ability to complete the government contract in question, this executive order would introduce the potential that they would be evaluated politically as opposed to professionally.

It's never a good idea, Mr. Chairman, in my view, to mix politics with contracting. My amendment would prevent the President from implementing the proposed disclosure requirements.

Congress actually considered something similar to what the President is proposing in the 111th Congress, the so-called DISCLOSE Act. It's instructive to me that that Congress—the majority of which in both Houses was controlled by our friends on the other side—decided not to implement such a requirement. Frankly, I think doing so now by executive order is effectively legislating through the executive branch.

The executive order in question that's being considered would not in fact lead to more objectivity in the bidding process, and it could potentially chill the constitutionally protected right of people to donate politically to whatever candidate, political party, or cause that they chose to do so.

It's worth noting that nothing in this amendment would affect the current Federal disclosures under the law. We're not trying to change things; we're not trying to let people do something they can't do now. We're simply trying to make sure that political contributions and political activities never move into the contracting process. Pay-to-play has no place in the Federal contracting process, and requiring the disclosure of campaign contributions for government contracts does just that.

□ 1430

Mr. Chairman, I would respectfully urge that the amendment be adopted.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the Cole amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. The amendment before us is a legislative attempt to circumvent a draft Executive order which would provide for increased disclosure of the political contributions of government contractors.

The draft Executive order being developed by the Obama administration would require Federal contractors to disclose more information about their political contributions than they currently provide. Particularly, those contributions given to third-party entities.

Some have said they oppose this effort because additional information could be used nefariously to create some kind of enemies list. In other words, they argue that companies should not disclose more information because people in power could misuse that information to retaliate against them.

I just think there are fundamental problems with this premise. Under this logic, all campaign disclosures would be bad, not just the new ones. Government contractors already disclose contributions and expenditures by their PACs and those who contribute to them. Contributions by the officers and directors of government contractors are also required to be disclosed. Should we eliminate those provisions, too? Of course not. The information is required to be provided already in law, and the Executive order that the amendment would circumvent simply enhances the quality of that information.

More than 30 groups, including non-partisan, nonprofit organizations like Democracy 21, the Project on Government Oversight, Public Citizen, many others have concluded that the draft Executive order would enhance transparency and decrease corruption. And these aren't the only groups that support the Executive order.

Two weeks ago, a coalition of institutional investors and investor coalitions collectively managing more than \$130 billion in assets also wrote to express their support. In their letter, they explained that corporate political activity presents significant risks to shareholder value. And transparency allows investors to put together in a more complete picture the various risks to our investments.

So, Mr. Chairman, as the Los Angeles Times said in a recent editorial, disclosure is the solution, not the problem. I believe that is the case.

I urge Members to defeat this amendment.

I yield back the balance of my time. Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I rise in support of the Cole amendment, and the reason why I do is twofold.

Number one, I do think there are some questions about what are the motives. Why should you have to tell the Federal Government absolutely everything in our society today when you're just bidding on a contract? I see some good in it, and the gentleman mentioned the L.A. Times article. I think it makes some good points. But I also see how there is a double-edged sword, that there's too much information that's out there.

But the other thing is this is a major change and a possible encroachment on your constitutional right of First Amendment freedom of speech as to whom you give.

So if we are going to make this the law of the land, public policy, it really should go through the legislative process—hearings and testimony—and let everybody have something to say about it instead of just one more Executive order from the administration.

So I think we should adopt the Cole amendment.

Mr. DICKS. I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I too am concerned about this amendment, especially when these campaign contributions are given secretly. You know, our system has been improved by having public disclosure of political contributions. I think the more the public knows about where the money is coming from, the better off the citizenry is.

So I just support the ranking member, Mr. PRICE, who gave a very complete description of why we're against this amendment, and I urge its defeat.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COLE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

AMENDMENT OFFERED BY MR. GOHMERT

Mr. GOHMERT. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ . None of the funds made available by this Act may be used for the new construction, purchase, or lease of any building or space in the District of Columbia except where a contract for the construction, purchase, or lease was entered into before the date of the enactment of this Act.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. GOHMERT. Under this amendment, no funds would be made available by this act for the new construction, purchase, or lease of any building or any space in the District of Columbia except where a contract was entered into before the date of the enactment.

Now, in the District of Columbia right now, the Federal Government had exactly 304 leases at the start of this year. These leases cover more than 23.6 million square feet. This bureaucracy has grown beyond the bounds of being reasonable.

The Federal Government, in addition to the 23.6 million square feet that it leases, also owns 109 buildings in the District of Columbia, and that doesn't even include all of the Department of

Defense buildings because those are administered by other than the GSA. The 23.6 million square feet come at a cost of around a billion dollars every year to the taxpayer.

Here we are in financially troubling times, and we need to send a message back to America we know you're tightening your belts. We know that States and municipalities are having to tighten their belts, and we get it here, also.

The Appropriations Committee and the chair is to be applauded. They have done a wonderful job on this bill. There is an amount zeroed out for new building space in a specific area of this bill. It takes that good step and goes one step further and says no funds made available in this act can be used in any way for construction, for lease or building out any space in the District of Columbia.

It also should be noted that every cubicle, every desk we add in the District of Columbia ends up requiring States and municipalities to add space there. They have to put somebody in that space, because every time we add a desk with a bureaucrat behind it in the District of Columbia, they have to justify their existence. They have to create requirements for people back in the States or in the municipalities to respond so that they can justify their existence in the District of Columbia.

The Federal funds that might be used for new construction or new leases to add to the 23.6 million square feet of space already under lease and the 109 buildings, not even including the Department of Defense buildings, that money could be better spent reducing the Federal deficit or protecting our homeland in other ways.

□ 1440

Let's let America rebound. Let's let America build back before we build or lease one more square foot in Washington, DC.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit any funds in this bill to be used for new construction, purchase, or lease of a new building or space in Washington, D.C., in fiscal year 2012, the life of this bill. If adopted, this amendment, as I read it, would or could do several things.

First of all, it would not allow DHS to renew leases in the Washington, D.C., area, which means the leases would lapse, leaving DHS employees without offices to work in, and subjecting the Federal Government to lawsuits because the lessors would have no choice but to begin litigation for damages, to include costs to evict and lost rent.

The amendment might require DHS to break current construction con-

tracts due to a lack of funds if a new purchase or lease is required. It would not permit the GSA to condemn facilities that the DHS occupies if that were necessary. Therefore, it would force DHS to maintain occupancy until follow-on leases might be executed in 2013, or further down the road, or alternative space could be identified and prepared for use.

The amendment, as I read it, might not permit DHS even to reconfigure its current facility space to provide seats for the new staff being hired, particularly for some of these new functions that are going to require reconfiguring, such as cybersecurity and intelligence missions.

And then we need to ask, Mr. Chairman, what happens if a DHS facility in D.C. has a fire or a flood and we can't use it? This amendment would prevent, as I read it, rebuilding if a new construction contract was required as part of that rebuilding, as of course it might well be.

So the questions just go on and on. This is not a well-advised or wise amendment. It's far-reaching. It has negative implications. I urge its rejection.

I yield back the balance of my time. Mr. DICKS. I move to strike the last word.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. If I could ask the gentleman from Texas (Mr. GOHMERT), the sponsor of the amendment, a question.

Why just the District of Columbia? You know, there are Federal buildings in Virginia and Maryland, surrounding the whole area. Why just the District of Columbia?

Mr. GOHMERT. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. GOHMERT. Well, the intent is that since this is where so much construction and leasing has been done, that that's where it needs to stop, that the bureaucracy here in Washington has expanded to the point that this was a good place to draw the line. If the gentleman is wishing to extend that across the country, you know—

Mr. DICKS. I am not interested in that. I just want to make that clear. But I was interested why just the District of Columbia when this whole area here has many different government buildings, both in Maryland and in Virginia, which are proximate to the District of Columbia?

Mr. GOHMERT. If the gentleman would like to add those to this amendment, I would be glad to accept that.

Mr. DICKS. Let me also ask the gentleman on the point that Mr. PRICE made about leases: Do you see that a situation would occur that if a lease is expired once this amendment was enacted and signed into law—I doubt that it will be—but that an agency couldn't redo a lease? And what would you do in that situation if you couldn't build of-

fice space or you couldn't lease office space? You would have to leave the District of Columbia.

Mr. GOHMERT. If the leases were appropriately drafted, then normally they would have an option for additional time. That under this amendment would mean that that was a contract entered into prior to the enactment of this bill. So that wouldn't be a problem. If it is a major lease expiring, then heaven forbid but they would actually have to come back to Congress, and it would be a form of sunset, for them to justify why they need to have a new lease. I think it's a great way of having oversight over groups that don't have their own building. We've leased a massive 23.6 million square feet of space. Let's sunset some of that or otherwise justify why you need another lease.

Mr. DICKS. Reclaiming my time, I feel that Mr. PRICE has the better argument here, and I urge defeat of this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. GOHMERT. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. ISSA

Mr. ISSA. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

Sec. ____ . None of the funds made available in this Act may be used to promulgate regulations that will result in private sector job losses to United States companies.

Mr. ADERHOLT. I reserve a point of order on the gentleman's amendment.

The CHAIR. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. ISSA. This is a critical amendment. If not now, then when? If not on this bill, then when are we going to get to looking at American job creators in a positive way? There is no question if this amendment is held to a point of order that it will be seen again and again by those of us who care about jobs in America.

The Web site that my committee launched, AmericanJobCreators.com, has already seen countless examples, in the thousands now, of different ways in which regulatory excesses have in fact cost jobs. Moreover, what we're seeing is a pattern of no cost-benefit analysis being done in any way, shape, or form on new regulations.

Promulgating regulations if they don't cost jobs, if they are a net benefit to the economy, wouldn't be a problem,

at least not overall. But in fact, we have had the EPA administrator, the former Minerals Management Service, now Ocean Energy, the Assistant Secretary of the Interior, and countless more before our committee, each of whom seems to be muddled about cost-benefit on the regulations they create. They often say, of course we do cost-benefit. Then if you say, well, what do the cost-benefits show on a particular regulation, they are never familiar with it.

It is in fact very clear that we know that we're costing jobs. The estimate by the Small Business Administration, I repeat the estimate by the U.S. Small Business Administration is that regulations cost \$1.75 trillion, or about \$8,000 per employee, perhaps as much as \$10,000 per employee.

Not every regulation that costs money needs to in fact not happen. But it certainly should be a decision of the Congress, and not an unelected individual somewhere in a well-windowed office with beautiful carpeting deciding on their own to have guidance or rule-making that costs American jobs.

The Department of Homeland Security is in fact one of the most insular organizations. They have proven not to know or care what America needs, only that they must do what they choose to do. This is an agency that is so, so, so excessive that they even found that sending FOIA requests to political appointees who redacted or simply didn't send them out was okay. That's the kind of thing that we need to deal with here in appropriations, and if not in appropriations, in broader legislation.

My amendment simply seeks to force back to Congress the responsibility for regulations that cost jobs. If a study is done and it doesn't cost jobs, it would go forward. The fact is that most of our laws require some cost-benefit analysis. But since they're able to do it without ever formalizing it, or waive it because they say they don't believe it would happen, we don't have that kind of fact. An amendment like this simply says if you're going to cost American jobs, come back to Congress.

With that, I urge passage of this amendment. I strongly believe that with 9 percent unemployment, and in California 11 percent, and more in other areas, it's time for us to say don't pass a new regulation that costs jobs unless you're willing to bring it back to Congress.

I yield back the balance of my time.

□ 1450

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rules state, in pertinent part: An amendment to a general appropriation

bill shall not be in order if it changes an existing law. The amendment requires a new determination.

I ask for a ruling from the Chair.

The CHAIR. Does any other Member wish to be heard on the point of order?

Mr. ISSA. I do.

The CHAIR. The gentleman from California is recognized.

Mr. ISSA. Mr. Chairman, I believe that, in fact, you will rule, if allowed to, on this point of order. It is unfortunate that our rules allow appropriators to legislate when they want to but don't allow us to bring sensible reform when we believe it is necessary. I am not legislating; I am limiting.

But I recognize that the ruling is inevitably going to go against us. I will endeavor to bring this to the attention of the body at every opportunity and will be drafting a bill that would change the whole regulatory format.

I would hope those who say on a technical basis they cannot support us today, even though they know that regulations are costing American jobs every day, will support legislation that would change this across government.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Nebraska (Mr. FORTENBERRY) to talk about an important immigration enforcement program.

Mr. FORTENBERRY. I thank the gentleman for yielding.

Mr. Chairman, I rise to ensure that appropriate funds are provided for the 287(g) program in this bill. The Federal Government must have well-equipped partners to address interior enforcement concerns.

However, the bill does not state specifically all funds for the 287(g) program, which would allow for robust law enforcement capacity.

I want to ensure the record reflects that the administration's request is \$68,321,000 and that this bill supports the President's request.

Citizens nationwide are rightfully demanding secure U.S. borders and enforcement of our immigration laws. The desire, Mr. Chairman, in many places across the country to strengthen interior enforcement points to an overwhelming perception throughout the Nation that the Federal Government is not as effectively as possible addressing serious security concerns such as the pernicious criminal activity related to illegal immigration in the border region.

We need to better empower States and local law enforcement, and the 287(g) is a very important program.

In 1996, Congress enacted section 287(g) as an amendment to the Immigration and Nationality Act to provide

necessary immigration enforcement assistance to State and local law enforcement entities. It authorizes the Department of Homeland Security to enter into agreements with State and local law enforcement, equipping them through thorough training to perform important immigration enforcement functions.

Local law enforcement agencies are often closest to the problem. To date, Immigration and Customs Enforcement has trained more than 1,240 State and local officers nationwide pursuant to section 287(g) programs. Since 2006, the 287(g) program, according to ICE, has resulted in the identification of more than 200,300 "potentially removable aliens—mostly at local jails." Sixty-nine separate local law enforcement agencies participate in the program in 24 States, including Colorado, Connecticut, Delaware, Florida, Georgia, Maryland, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, and Virginia; and ICE, it appears, has worked very diligently since 2009 to fix concerns with the program by strengthening public safety and improving consistency.

In my home State of Nebraska, there is interest at the local level. The City of Fremont, in particular, has voiced enthusiasm for this program and could directly be impacted by an increase of funds available to help secure their community.

Ensuring full funding for the 287(g) programs preserves a high spirit of federalism in empowering States to work together with the Federal Government on a critical homeland security matter.

Mr. Chairman, America has been, for a long, long time, a just and generous Nation in regards to immigration policy, opening her arms to persons, particularly those facing social, economic or even political persecution, who wish to come here and make a new contribution in a new community to the well-being of their own lives. This should remain the hallmark and spirit of sound immigration policy, but uncontrolled borders are a serious threat to the United States' national security; and with lax interior enforcement authority, we risk our ability to remain a just and generous Nation in regards to immigration policy. So section 287(g) plays a critical role in this process and should be funded at the administration's request.

Mr. ADERHOLT. Reclaiming my time, the gentleman from Nebraska raises some excellent points, and I strongly support robust enforcement of our Nation's immigration laws. That includes partnership with the States and local law enforcement through the 287(g) program.

As the gentleman from Nebraska noted, 287(g) is an important tool among many and gives ICE a force multiplier for immigration enforcement.

I thank the gentleman from Nebraska for his attention to this important program, and I will continue to work with him as we move this bill forward.

I yield back the balance of my time.

Mr. MICA. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Chairman, at this point I was planning to offer to the House and to the committee for its consideration, as we consider one of the most important appropriations measures that the House will consider, and that's for our homeland security, I was prepared to offer an amendment here at this juncture to limit some of the funds that are made available to the Transportation Security Administration.

My intent is, I think, well founded in having had the opportunity to review TSA's operations, actually one of the individuals responsible for creating TSA back after the events of 9/11, when we had to put in place a transportation security measure and operation for the Nation which we didn't have prior to that.

When we set up TSA, and particularly where we provided for a new way of aviation passenger screening, we actually created two models: one, a private sector model, which is the Federal setting of guidelines and all of the rules for conducting screening and then Federal operation of the screening; but also a second model, which was Federal Government setting the rules and the protocols for operation but using private screeners.

We set up five models of different-sized category airports to test this and see how it would work, testing the all-Federal model against the Federal model with private operators. I can tell you that after testing this several years, after operational testing not by me but by the Government Accountability Office, they found, in fact, that the private screeners performed statistically significantly better than the other screeners.

TSA wasn't happy with these findings, and it captured a great deal of the market and activity, so they did everything they could to distort some of the findings and change the way the airports were tested.

□ 1500

Even so, about 16 airports now operate with private screeners under Federal supervision. Tomorrow our committee, and this is the Transportation Committee, our Investigations and Oversight Committee will reveal the most comprehensive report of looking at these operations, and we are comparing apples and apples to see which one runs better and more cost effectively for the taxpayer.

Without a doubt, this report will show the substantial savings. In fact, within 5 years, if we converted 38 of the top airports to Federal operations,

again, Federal oversight with private screening, we could save \$1 billion.

And I was prepared to try to transfer earlier in the bill double the amount of money. There's \$144 million in here for private screening operations under Federal supervision that we currently have, and double that amount of money which could have gotten us much more passenger screening and do it much more cost effectively for the taxpayers. And actually most of our initiatives, positive initiatives, have come from these private screening models. In any event, that was my intent.

At this point in the bill, I can only take money from the overall screening activity or limit it. It's my understanding that after I strike the last word, I'll have an opportunity to offer an amendment that will, in fact, limit the amount of money for the all-Federal screening model—not taking it out of TSA, but giving discretion to the administrator and hopefully applying it. Once again, we restart the private screening under Federal supervision. Actually, as I speak, all 16 airports continue, but we restart opening it to other airports.

I want to make certain that we have the funds available to accomplish that goal. And that's the purpose of my amendment. So I'm not taking away from the overall money to TSA. I'm limiting the amount of money that can be used. And now we have a Federal screening force, I'm told, of some 41,000, give or take 500, screeners. This bill authorizes up to 46,000 I'm told. So we stay within the caps.

The CHAIR. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, insert the following:
SEC. ____ Of the amount made available for screening operations under the heading: "Transportation Security Administration—Aviation Security", not more than \$2,760,503,458 may be used for screener personnel, compensation, and benefits.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Florida has not been recognized on his amendment yet. The Chair will recognize an opponent following that debate.

Mr. PRICE of North Carolina. My understanding, Mr. Chairman, maybe the gentleman can clarify, but my understanding was that the 5-minute address we had just heard was addressing the amendment.

The CHAIR. No, the gentleman rose to strike the last word. After yielding back, he then offered his amendment. So the gentleman from Florida will be recognized now on his amendment. He had not offered it before.

Mr. DICKS. Mr. Chairman, I reserve a point of order.

The CHAIR. A point of order is reserved.

The gentleman from Florida is recognized for 5 minutes in support of his amendment.

Mr. MICA. Mr. Chairman, I do want to apologize to the members of the committee because we want to make certain that if we offer the amendment that it was in the proper form as originally drafted. It was on a previous page. And I understand from the Parliamentarian that we could only do a limitation at this particular stage. So that's why I had the time to explain and striking the last word, my position and some of the history of my involvement with this. It's not that I'm just a Johnny-come-lately on the floor to do some mischief with TSA. It's that I helped to actually create the agency. I want it to be effective. I want taxpayer money to be properly expended.

But when I see the results—and I've seen the way the TSA operates. They started with 16,500 screeners on 9/11. And what failed on 9/11 was not the private screeners. It was the Federal Government, because the Federal Government failed to put in place the rules, the protocols, the standards and the levels of operation. They were stalling for years, I found out, and never put them in place. And that's something we had to do.

But what we did is, again, we set up two models. And airports have had the right to opt out from the very beginning and go to private screening under Federal supervision. Now, we've been there. We've seen how it works. We have entire States that have said that they want the opportunity to have the second model, which has proven to be most cost effective, not just from dollars and cents, but also from efficiency and effectiveness in operation.

This is all about the performance of TSA, and the models that have been independently tested will show you that private screeners, under Federal supervision, again, proper oversight, setting the rules, they perform better.

So the purpose of this is to set aside some of that money. TSA came in, and I think that the administrator, while well intended, was kept in the dark and fed a lot of mushrooms on what happens with these programs.

And in order to justify 3,700 positions, administrative positions in Washington, D.C., just in Washington, D.C., 3,700 positions making on average \$105,000 a person—imagine that, what we've created—and another 8,000-plus administrators out in the field, but to justify those positions, what they did was they fudged—and GAO has also confirmed this—the facts on the cost of the private operation, again, under Federal supervision of passenger screening.

So all this does—it doesn't take any money out of TSA—is it gives the administrator the discretion to have that money, and he can use it for screening. And we believe that with the pending applications, which this bill and your

bill helps open up, we want to make certain that there are adequate funds available to do it in the most cost-effective manner. And that's what my amendment provides for.

So, again, the whole point of this is doing the best possible job for security. And stop and think about this: this bill provides \$3 billion-plus just for screening, 3 billion. I think the total of this bill is, what, \$8 billion, staff? The entire bill is 46.

But just for TSA is how much? 7.8, close to \$8 billion for TSA's operation. And I wouldn't begrudge them a penny if it, in fact, were used properly for the security of our Nation to make certain that people are safe in the skies.

But I'm saying that this amendment does make certain that for a very cost-effective means of providing passenger screening, we can do a better job. We'll have the money available, and we won't rely on just the all-Federal model.

So I urge support for this amendment and your consideration.

I yield back the balance of my time.

Mr. DICKS. Mr. Chair, I withdraw my point of order.

The CHAIR. The point of order is withdrawn.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I've been listening carefully to the gentleman as he described his intentions in offering this amendment, and all I can do, I think all any of us can do, is react to the amendment before us, not to hypothetical future amendments or future administrative actions. And on the face of it, I oppose this amendment.

The bill provides \$3.03 billion for screeners. This amendment would cut funding by \$270 million.

□ 1510

If this amendment is accepted, TSA would need to lay off 5,000 screeners. That's 10 percent of the current screener workforce. It would also eliminate nearly all of the new screeners hired over the past 12 months. These are screeners that are needed to support, to operate new security equipment.

Mr. Chairman, there's no way around it: this would decrease security. It would lead to longer wait lines just at a time when passenger growth is rebounding at our country's airports. We continue to hear from the intelligence community about aviation threats. These threats are becoming more and more ominous, more diversified. Why on earth would we want to cut back our screener force at this point?

Now, the gentleman has talked about giving the Secretary discretion to somehow make up for this cut in the private screener force. But there is really nothing in this amendment that grants such discretion. There is not any augmenting in this amendment of

the private screener account, nor is there any assurance that even if that account were to be augmented, that the people that could be hired would replace, one for one, the 5,000 we are talking about laying off.

So just taking this amendment on the face of it, I think it is an amendment that would lessen aviation security and, particularly, undo a lot of the additional protections that have been put in place in the last year or so. So I think it is a most unwise amendment, and I urge rejection.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Again, this amendment comes to us late. The gentleman from Florida happens to be the chairman of the Transportation Committee. He could write a bill to change this. All of these things that he has bemoaned here on the floor, he could fix. He could bring the bill to the floor, and we could have a debate and a discussion. But instead, he comes here with a meat ax approach, 10 percent reduction in screeners.

Also, I think the gentleman's figure of 3,700 people, I think, are not screeners here in the Nation's capital.

So again, I just wish the gentleman would use his jurisdiction and his committee, hold the hearings, bring TSA up here and do the job that the chairman of the Transportation Committee should do and get this thing fixed. If it's so good, why don't you fix it?

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Florida.

Mr. MICA. I thank the chairman for yielding to me.

Let me just try to clarify the record. The information I have on the number of screeners from our investigative staff director is 49,553 screeners. That is the figure given to us by TSA. The number of screeners is 49,553.

The other point, too, when I said 3,700 administrative personnel, I'm talking about TSA bureaucrats here. I'm not talking about screening force. Not one screener am I including in that. I'm just talking about TSA headquarters or TSA administrative personnel making, on average, \$105,000 a year. Now I'm not talking about the screeners. These poor screeners, some of the screeners are starting at the lowest wage. The money isn't going for professional screeners, although this bill, I understand the average pay is about, if you calculate \$3 billion divided by 49,000, you come close to \$60,000, and there are costs for benefits and all that, I grant you. But let me just try to make the record clear, again: We have 3,700 administrative TSA people in the headquarters or associated here in the Washington area, not screeners.

Mr. DICKS. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Washington.

Mr. DICKS. I understand that the gentleman from Florida's amendment wouldn't do anything about those managers because it is aimed at the screeners themselves. And, also, the bill already reduces screeners to 46,000.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Florida.

Mr. MICA. Well, again, the justification of most of the 3,700 who fed the administrator mushrooms and kept him in the dark was in fact you had someone to supervise all of these people. We have another 8,000 supervisors out in the field.

When you go through the airport line sometime, I challenge you to ask some of these people what they are doing standing around, the thousands standing around. The whole point of this is there is another model, and we created that in 2001. We have 16 airports, five initially. The biggest one is in the minority leader's district, Ms. PELOSI. It set the standards, the example for the rest of us. And tomorrow, we will show a report, and we have examined position by position with San Francisco airport against LAX because we want to compare apples to apples. You will see the incredible savings. You'll see the efficiency, which is like twice as much with private screeners.

So I am taking the money and the positions out of the all Federal and making them available to the discretion of the administrator to use them hopefully for this SBP program, which is private screeners under Federal supervision, which worked so well.

Mr. DICKS. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Washington.

Mr. DICKS. Again, the gentleman is the chairman of the Transportation Committee. You are the one who helped create this bureaucracy. Why don't you fix it and bring a bill to the floor so we can have a chance to vote on it? If it is so good, why do you come here at the last moment and cut screeners?

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Florida.

Mr. MICA. Again, I would love nothing more than to have the jurisdiction. I do not have the jurisdiction. I do have jurisdiction for some oversight, which we have assumed.

Mr. DICKS. Oh, Homeland Security does. I get that.

Mr. MICA. Yes, they do. So I will be here when Homeland Security cows come marching through the pasture here and try to make the changes that are necessary. We have discussed with your staff the changes that we believe are necessary. But I don't have that jurisdiction; I wish I did. But I am doing all I can to work with the Appropriations Committee. Your professionals

are doing all they can within the limitations of your jurisdiction. I am doing my little oversight bit, and then we have the Homeland Security Committee that will march forward with their authorization. And I will be here for that parade.

Mr. ADERHOLT. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MICA. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MICA) having assumed the chair, Mr. DREIER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1611

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ADERHOLT) at 4 o'clock and 11 minutes p.m.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 287 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2017.

□ 1612

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on an amendment offered by the gentleman from Florida (Mr. MICA) had been postponed and the bill had been read through page 92, line 7.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, as we had talked earlier about this legislation, this bill is about putting priority on limited dollars and robustly supporting the most essential functions of the Department of Homeland Security and to make sure that our homeland is safe.

The Department of Homeland Security, with all of its critical missions, is not immune from fiscal discipline. That has been the theme that we have been talking about since we started the bill yesterday afternoon. That means that the Department has to find the most cost-effective way to meet its mission requirements.

The American people, quite honestly, are demanding no less in this regard.

Again, we started yesterday afternoon at around 3:30, we went until about 12:30 this morning, we started again about 12:30 today, this afternoon, and we are continuing with this legislation. It will probably take us a couple of more hours this evening before we finish. A lot of people have done a lot of work to make this bill happen and for it to take place.

I just again would want to thank each of them for their hard work.

Again, the ranking member, Mr. PRICE, has been a true partner in this as we have worked together, and I want to thank him for his contribution that he has made.

Also, I would like to thank the full committee chairman and the ranking member, Mr. HAL ROGERS and Mr. DICKS, for their support. They have both been very helpful as we have gone through this process, and they have had to make some very difficult choices as they have to work with all 12 subcommittees. I want to congratulate them, as we have kicked off the start of a new appropriations season, and we have nearly the first appropriation bill to come to the floor.

But I do want to take a moment and thank the committee staff for their hard work, namely, I want to thank Stephanie Gupta and Paul Cox on the minority side; and, of course, the majority staff has worked very, very closely with the minority, and we do appreciate their hard work.

But on the majority staff, Jeff Ashford, Kris Mallard, Kathy Kraninger, Miles Taylor, and Rebecca Ore have all done a tremendous job in their work and, of course, last but not least, Ben Nicholson. Ben Nicholson serves as the clerk of the Homeland Security Subcommittee on Appropriations and Ben has done a tremendous

job as he has helped me up here as I have managed the time on this particular piece of legislation.

□ 1620

Also, on the appropriations staff, Jennifer Miller and Mike Robinson have done a great job, and also Jim Kulikowski. They have been very helpful in making sure this process moves forward. As you can imagine, there's a lot of moving parts. And so I do want to thank Mike, Jennifer, and Jim for their hard work.

I yield back the balance of my time.

Mr. PRICE of North Carolina. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I appreciate the chance as we enter the homestretch of this debate to also express my appreciation to the many colleagues and staff members who have brought us to this point.

I want to commend Chairman ADERHOLT for this first voyage that he has taken as the subcommittee chairman and for the professional approach that he has brought to this, the careful process, the inclusive process. We are very grateful to him.

We had a good, full season of hearings and an open process in the Appropriations Committee, at markup, and we've had an open process here on the floor. That's the way Appropriations is supposed to work. And so I do commend the chairman and the leadership for that.

We have had a good, robust debate here. I certainly wish that we were in closer agreement on this bill. I have always believed that on Appropriations we should look out for the institutional role of this House in holding the executive accountable, on a bipartisan basis, no matter which party is in charge either here or in the White House.

And so when the partisan divisions that inevitably characterize our work here, when those partisan divisions are evident on Appropriations, we try our best to overcome them. Historically, we have tried our best to overcome them. That has been very difficult this year, and we have a bill that we are divided on—but not on the entire bill by any means. As I said in my opening statement yesterday, the chairman and the majority have done a good job in keeping the frontline operations of the Homeland Security Department intact, keeping those operations strong.

Where they've fallen down is, I believe, to pass a budget resolution that contains a Homeland Security allocation that is simply inadequate. That has been compounded by the treatment of disaster funds beyond the President's request, a refusal to designate those as emergency funds. And so we are left with a bill that's severely squeezed. I won't elaborate except to say that this is the bigger picture we are dealing with, the radical shortfall in the State and local grants, a challenge we will have to continue to work on.