

Mr. KUCINICH. Entitlement reform 2012. Let's see. Wealthy Americans are entitled to tax breaks. Corporations are entitled to billions in giveaways. Arms manufacturers are entitled to bigger contracts. The poor and the middle class? Well, they're entitled to unemployment, underemployment, foreclosures, and cuts in both Social Security and Medicare.

Poor and middle class Americans know all about the fiscal cliff. They've been getting pushed off it for years with an unfair tax system, unconscionable trade deals, and the Fed's monetary policies.

Nearly 50 million people are in poverty in America, 12 million unemployed, millions more underemployed. On January 2, millions stand to lose unemployment benefits. Fourteen million Americans' mortgages are greater than the value of their homes.

On the horizon loom massive cuts to essential services. Will the American austerity replace the American Dream? We need to turn back from the fiscal cliff with wealth creation, education, job creation, infrastructure rebuilding, monetary reform, trade reform, and protection of Social Security and Medicare. We need a great economic revival, not another Great Depression.

HASHTAG: TERRORISTS

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

Mr. POE of Texas. Mr. Speaker, what do @HSMPress, @Alqassam Brigade, and @almanarnews all have in common? Here's a hint: HASHTAG: TERRORISTS.

That's right: foreign terrorist organizations like al-Shabaab, Hamas, and Hezbollah all use an American company—Twitter—to recruit other extremists. They spread their anti-American propaganda and preach violence and murder.

Hamas has over 42,000 followers. Their tweets have included everything from calls for jihad attacks to a "new Holocaust." Isn't that lovely?

Mr. Speaker, the Supreme Court of the United States has ruled that when there is a "broader strategy to promote terrorism," foreign terrorist organizations are not protected under free speech rights.

We should be doing everything we can to disarm our enemy, whether that means freezing their bank accounts or freezing their Twitter accounts. Allowing foreign terrorist organizations to freely operate on Twitter is enabling the enemy. The FBI and Twitter must recognize sooner, rather than later, that social media is a tool for the outlaw terrorists, and it has to stop.

And that's just the way it is.

DEMOCRACY IN THE REPUBLIC OF GEORGIA

(Mr. DREIER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as the Republic of Georgia deals with its first democratic transition of power, I spent the last few days speaking at length with President Saakashvili and the new Prime Minister Ivanishvili about the necessity to continue the pursuit of the rule of law.

Mr. Speaker, this is a critical moment for the Georgian people that could either put the country inexorably on the path of sustainable democracy or turn back the clock on the tremendous gains that have been made since the Rose Revolution. Mr. Speaker, the United States must remain engaged with the new government to promote continued democratic reform.

A robust democracy demands not only the ability of the majority party to advance its agenda, but also the preservation of the rights of the minority to raise questions and hold the government accountable.

Furthermore, prosecutions must be conducted in accordance with the rule of law, with full inquiries preceding arrests. Great diligence must be exercised to ensure that investigations are legitimate and not politically motivated.

I have urged and will continue to urge, Mr. Speaker, this new government to deliver on its campaign promises of continued democratic development and enhanced transparency.

□ 1410

RECOGNIZING A HOMETOWN HERO OF FRISCO, TEXAS

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

Mr. BURGESS. Today I rise to recognize a member of the Frisco City Council, Captain Tim Nelson. Although he was elected to the council more than 18 months ago, his dais seat has frequently been empty, but for a good reason.

Shortly after taking office, Captain Nelson received orders from the United States Army Reserve and was deployed to Afghanistan. During the past year, Captain Nelson was on the NATO military base with the 980th Engineer Battalion. As the unit's civil engineer, he oversaw construction projects ranging from roads to water crossings to intelligence.

While in Afghanistan, Captain Nelson carried a copy of the United States Constitution everywhere he went. His reason was, "You don't always have to agree with the politics of the day. But truly, by the grace of God, we were born in America. And if you've been to enough places around the world, you'll know how lucky we really are and how wonderful a place we live in."

While Captain Nelson was not able to be at council meetings, he was never forgotten. The opening of each council

meeting included a prayer for his family and for his safe return home. He is home now; and he said, I'll "do my best to pay them back for the time I was gone."

On November 8, he returned back to Texas to his wife, Candice, and their three children.

Mr. Speaker, I am proud to recognize the service of a councilman of Frisco, Texas, Captain Tim Nelson.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1634

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 4 o'clock and 34 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

MANDATORY OPERATIONAL CONTROL REPORTING AND PERFORMANCE MEASURES ACT OF 2012

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6025) to provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6025

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Operational Control Reporting and Performance Measures Act of 2012".

SEC. 2. ANNUAL REPORTS ON OPERATIONAL CONTROL OF INTERNATIONAL LAND AND MARITIME BORDERS.

(a) IN GENERAL.—The Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, as part of the Department of Homeland Security's Annual Performance Report, an annual report on the number of miles of the international land and maritime

border between the United States and Canada and the United States and Mexico that are under operational control of the Department, cumulatively and by sector.

(b) **ESTIMATES OF UNLAWFUL ENTRIES.**—Each report under subsection (a) shall include the estimated number of unlawful entries between ports of entry along the international land and maritime borders of the United States during the period covered by the report, determined using all available sources of data.

(c) **INDEPENDENT EVALUATION.**—The Secretary of Homeland Security shall make available to the Government Accountability Office the data and methodology used to compile the statistics used in preparing each report under subsection (a), to ensure the suitability and statistical validity of such data and methodology.

(d) **TERMINOLOGY AND METHODOLOGY.**—Except as provided in subsection (e), for purposes of consistent usage of terminology and methodology in the annual reports required under subsection (a), the Secretary of Homeland Security shall use the methodology used to measure such operational control in accordance with the Department's Annual Performance Reports for each of fiscal years 2008 through 2010.

(e) **ALTERNATE TERMINOLOGY AND METHODOLOGY.**—The Secretary of Homeland Security shall use the terminology and methodology described in subsection (d) until such time as an alternate terminology and methodology is—

- (1) required by an Act of Congress; or
- (2) certified as suitable and statistically valid by a Department of Energy National Laboratory with prior expertise in border security.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

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

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself as much time as I might consume.

Among the enumerated powers of the Constitution, providing for the common defense is, in my mind, the most important responsibility of this Congress. A key part of the common defense is ensuring that we secure our Nation's borders, and in the coming months, determining how to measure progress along the thousands of miles—north, south, and coastal—will be absolutely crucial.

H.R. 6025, the Mandatory Operational Control Reporting and Performance Measures Act of 2012, requires that the Department of Homeland Security resume reporting miles of the border under operational control and provide an estimate of the number of unlawful entries between ports of entry.

For years, we relied on operational control as a proxy for border security. It really became sort of the de facto term of art that indicated how much or how little of the border the Border Patrol could effectively control. But at last count, only 44 percent of the southwest border was under operational control, and less than 2 percent of the northern border was adequately secured.

I'm not quite sure how we can go from having less than half of the border under operational control to get to the current thinking that the border is more secure than ever, as the Secretary of Homeland Security has said, without having a legitimate way to measure border security.

In 2010, the Department of Homeland Security stopped reporting the number of miles of border under operational control with the promise of a new, more holistic measure of border security called the Border Condition Index. Nearly 3 years later, we're still waiting for the introduction of that measure without any idea if it will ever be used.

It's time for the Department to provide a suitable measure that adequately captures the security situation on the border, whether that is the Border Condition Index or something else. Until then, the Department should resume reporting miles under operational control.

To ensure that the numbers DHS gives us are sound, this bill, Mr. Speaker, requires that the Department give the Government Accountability Office access to the operational control numbers for third-party verification.

I fully understand that the leadership of the Department believes operational control, as it is currently configured, is not the right measure to describe security at the border. So I think we are all really open to new, more robust standards if it supplements operational control and better describes the level of security at our borders. But we can't just take this administration's word for it that the border is more secure than ever without some agreed upon standard.

To that point, I'm not sure that we should automatically assume that any new measure stacks up against operational control. With an issue this important, we can't just change the rules if we don't like the results.

Under this bill, the use of anything other than operational control to describe the security along the border must be vetted by a national laboratory with prior expertise in border security. Validation by a third party to ensure it accurately measures security along the border boils down to this: trust, but verify.

In testimony, the Government Accountability Office has been clear that the use of apprehensions of aliens at or near the border as a proxy for border security is, at best, incomplete. It tells us that we are catching lots of people, but it doesn't answer the most important question: How effective are we at

keeping the drug cartels, human traffickers, and others from crossing our borders at will?

H.R. 6025 asks the Department to address this issue with an estimate of the number of unlawful entries between ports of entry so that the American people can put the apprehension numbers in the proper context and can stack apprehensions against the number of people who successfully cross the border illegally.

□ 1640

Mr. Speaker, the men and women of the U.S. Border Patrol and the U.S. Customs and Border Protection have a very difficult job, and I certainly want to thank them, as I'm sure we all do, for the very hard work that they do in some very demanding conditions to keep secure our Nation.

How we determine or measure what a secure border looks like has been the subject of a lot of debate, but the fact remains that the Congress and the American people should have a verifiable way to determine if we are making progress along the border.

I ask my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 6025, the Mandatory Operational Control Reporting and Performance Measures Act of 2012, and I yield myself such time as I may consume.

The bill before the House today would require the Secretary of Homeland Security to report annually to the relevant congressional committee on the number of miles of our international land and maritime borders that are under operational control and, number two, the estimated number of unlawful entries between ports of entry along our international land and maritime borders.

The Department of Homeland Security already tracks much of this data, and I have no objections to it being provided to Congress in our effort to better secure our borders.

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

Mrs. MILLER of Michigan. Mr. Speaker, I thought I had another speaker, but I do not see him here. If the gentleman from Mississippi has no further speakers, I am prepared to close.

Mr. THOMPSON of Mississippi. I have no further speakers.

Mrs. MILLER of Michigan. Mr. Speaker, I would just ask my colleagues to support this legislation that moves us toward a more full understanding of the security situation along the border.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, as I have no further speakers, I yield back the balance of my time.

Mr. FLAKE. Mr. Speaker, I rise in support of H.R. 6025, a bill to require the Department of Homeland Security to resume reporting operational control as a measure of border security.

I thank the gentlelady from Michigan and her staff for working with me on this bill and for bringing it to the floor today.

As part of the 2004 Border Strategy, the Border Patrol has been reporting miles of the border under operational or effective control and included it in its annual performance reporting.

However, as of fiscal year 2010, the metric has no longer been reported, with the Department instead relying on reporting apprehensions which tell only a part of what's happening at the border and planning for the yet to be rolled out "Border Condition Index."

In fact, the Department's recently released 2012–2016 Border Strategy makes no reference to operational control or any other readily reportable metrics to evaluate border security.

Far be it from me to ascribe a motive to the situation the Administration has created regarding the border security metrics they are or are not employing, but it certainly looks like they would simply prefer to ignore data that doesn't support their "border is safer than ever" narrative.

Sadly, for those living in border communities, there is some daylight between that narrative and reality and for that reason I urged the Department to resume using operational control during this year's appropriations process.

In speaking with Arizonans making their living on the border, I continue to hear story after story of break-ins, run-ins with armed groups crossing the border, and other dangerous situations.

In recent days much has been made about apparent momentum that is building towards Congress finding solutions to the problems created by our broken immigration system.

I have said it before and I'll say it again: there is little hope of the American public—particularly in border communities—trusting the Federal Government to deal with the many pressing immigration issues if we cannot get it right when it comes to border security.

There is simply no tackling immigration reform without achieving operational control of our southern border, and the Federal Government can't achieve operational control if they can't define it.

This legislation is simple; it would direct the Department to resume reporting operational control exactly as they had been previously.

If Congress and the Administration are in indeed serious about getting about the business of addressing the issue of border security, the successful passage of this common-sense and noncontroversial bill is the least we can do.

I urge adoption of H.R. 6025.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 6025, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DHS ACCOUNTABILITY ACT OF 2012

Mr. McCAUL. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5913) to create an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security and make recommendations to improve the efficiency and effectiveness of the management of the Department, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5913

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "DHS Accountability Act of 2012".

SEC. 2. FINDINGS.

Congress finds that the Subcommittee on Oversight, Investigations, and Management of the Committee on Homeland Security of the House of Representatives held a series of four hearings related to the management of the Department of Homeland Security. The key findings from such hearings were the following:

(1) The Department of Homeland Security has not prioritized the missions outlined in its key strategic planning documents. This lack of prioritization may hinder the Department's efforts to effectively manage risks to the United States. Since 2003, the Government Accountability Office designated the transformation of the Department as high risk because the Department had to transform 22 agencies—several with major management challenges—into one department, and failure to effectively address the Department's management and mission risks could have serious consequences to United States national and economic security. The Government Accountability Office continues to designate the transformation of the Department as high risk.

(2) The Department has considerable work ahead to achieve actions and outcomes critical to addressing persistent management challenges. For example, a significant number of acquisition programs proceeded without component or departmental approval of essential planning documents. These reviews are important to ensure the success of an acquisition program. The Department also continues to face challenges implementing key human capital initiatives. Integrating financial data essential to effectively managing the Department also remains a challenge.

(3) Areas of duplicative effort have also been identified within the Department. For example, some Federal Government agencies are paying fees to the Department's Federal Protective Service for facility risk assessments that are not being performed, while at the same time performing their own risk assessments. The Department also lacks robust acquisition practices in place to position programs for success. Federal Government auditors questioned U.S. Customs and Border Protection's plan to secure the Arizona border because the agency could not justify the specific types, quantities, cost, and deployment locations of its surveillance technologies.

(4) Investigators continue to identify cases of employee corruption within the Department. Investigations by the Department's Inspector General led to over 400 arrests of employees in 2011. Examples include Border Patrol agents accepting bribes, thefts by airport screeners, and immigration officers complicit in fraud. In addition, overall employee morale in the Department remains one of the lowest in the Federal Government.

SEC. 3. ESTABLISHMENT.

There is established in the legislative branch an independent advisory panel to—

(1) comprehensively assess the management structure and capabilities related to the Department of Homeland Security; and

(2) make recommendations to improve the efficiency and effectiveness of the management of the Department.

SEC. 4. MEMBERSHIP.

(a) IN GENERAL.—The independent advisory panel (in this Act referred to as the "Panel") established under section 3 shall be composed of eight members as follows:

(1) Two members shall be appointed by the Speaker of the House of Representatives, in coordination with the Chairman of the Committee on Homeland Security of the House of Representatives. Only one of such members may be from the same political party as the Speaker of the House of Representatives.

(2) Two members shall be appointed by the majority leader of the Senate, in coordination with the Chairman of the Committee on Homeland Security and Governmental Affairs of the Senate. Only one of such members may be from the same political party as the majority leader of the Senate.

(3) One member shall be appointed by the minority leader of the House of Representatives, in coordination with the Ranking Minority Member of the Committee on Homeland Security of the House of Representatives.

(4) One member shall be appointed by the minority leader of the Senate, in coordination with the Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate.

(5) Two members shall be appointed by the President, in consultation with the Secretary of Homeland Security. Only one of such members may be from the same political party as the President.

(b) PROHIBITION.—Except as provided in subsection (a), members of the Panel may not be current appointees of the President's Administration or Members of Congress, in order to ensure objectivity of the Panel's assessments.

(c) DEADLINE FOR APPOINTMENTS.—All appointments to the Panel shall be made not later than 90 days after the date of the enactment of this Act.

(d) CO-CHAIRMEN.—The Panel shall have two co-chairmen, as follows:

(1) A co-chairman who shall be a member of the Panel designated by the Speaker of the House of Representatives.

(2) A co-chairman who shall be a member of the Panel designated by the majority leader of the Senate.

(e) VACANCY.—In the event of a vacancy on the Panel, the individual appointed to fill the vacant seat shall be—

(1) subject to paragraph (2), appointed by the same officer (or the officer's successor) who made the appointment to the seat when the Panel was first established; or

(2) if the officer's successor is of a party other than the party of the officer who made the initial appointment when the Panel was first established, chosen in consultation with the senior officers of the House of Representatives and the Senate of the party which is the party of the officer who made such initial appointment.

(f) GOVERNMENT EMPLOYEES.—Members of the Panel who are officers or employees of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Panel.

(g) INITIAL MEETING.—The Panel shall meet and begin the operations of the Panel not later than 60 days after the appointment of all Panel members under subsection (a).

SEC. 5. DUTIES.

(a) IN GENERAL.—The Panel shall assess the current management structure and capabilities of the Department of Homeland Security, including examining the following: