

| | | |
|-------------|---------------|--------------|
| Sessions | Terry | West |
| Shimkus | Thompson (PA) | Westmoreland |
| Shuster | Thornberry | Whitfield |
| Simpson | Tiberi | Wilson (SC) |
| Smith (NE) | Tipton | Wittman |
| Smith (NJ) | Turner (NY) | Wolf |
| Smith (TX) | Turner (OH) | Womack |
| Southerland | Upton | Woodall |
| Stearns | Walberg | Yoder |
| Stivers | Walden | Young (AK) |
| Stutzman | Walsh (IL) | Young (FL) |
| Sullivan | Webster | Young (IN) |

NOT VOTING—13

| | | |
|------------|--------------|--------------|
| Berman | Lewis (CA) | Scott, David |
| Coble | McKeon | Shuler |
| Dicks | Miller, Gary | Slaughter |
| Filner | Napolitano | |
| Frank (MA) | Paul | |

□ 1837

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 344, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, during consideration of H.R. 5325, the FY 2013 Energy and Water Appropriations bill, I was away from the Capitol due to prior commitments to my constituents.

Had I been present I would have voted: "yes" on the Fortenberry Amendment; "yes" on the Jackson-Lee Amendment; "yes" on the Connolly Amendment; "no" on the Kucinich Amendment; "yes" on the Burgess Amendment; "no" on the Reed Amendment; "yes" on the Loretta Sanchez Amendment; "yes" on the Polis Amendment; "yes" on the Luján Amendment; "no" on the Chabot Amendment; "no" on the Blackburn Amendment; "no" on the Mulvaney Amendment; "no" on the Flake Amendment; "no" on the King (IA) Amendment; "yes" on the Lummis Amendment; "yes" on the Motion to Recommit; "no" on Final Passage.

In addition, I would have voted: "no" on the Republican Motion to Instruct Conferees on H.R. 4348; "yes" on the Democratic Motion to Instruct Conferees on H.R. 4348.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall Nos. 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, and 344. Had I been present, I would have voted "aye" on rollcall vote Nos. 320, 321, 325, 327, 329, 330, 331, 340, 341 and 344. Had I been present, I would have voted "no" on rollcall vote Nos. 319, 322, 323, 324, 326, 328, 332, 333, 334, 335, 336, 337, 338, 339, 342, and 343.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 436, HEALTH CARE COST REDUCTION ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 5882, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2013

Mr. SCOTT of South Carolina, from the Committee on Rules, submitted a privileged report (Rept. No. 112-518) on

the resolution (H. Res. 679) providing for consideration of the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, and providing for consideration of the bill (H.R. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore (Mr. BISHOP of Utah). Pursuant to House Resolution 667 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. 5855.

Will the gentleman from Florida (Mr. WEST) kindly take the chair.

□ 1839

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. 5855) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, with Mr. WEST (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, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

DEPARTMENTAL OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$121,850,000: *Provided*, That not to exceed \$45,000 shall be for official reception and representation expenses, of which \$17,000 shall be made available to the Office of Policy for Visa Waiver Program negotiations in Washington, DC,

and for other international activities: *Provided further*, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: *Provided further*, That \$5,000,000 shall not be available for obligation by the Office of General Counsel until a final rule for aircraft repair station security has been published: *Provided further*, That \$71,079,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives all statutorily required reports and plans that are due with the submission of the President's budget proposal for fiscal year 2014 pursuant to the requirements of section 1105(a) of title 31, United States Code: *Provided further*, That the Secretary of Homeland Security shall submit the consolidation plan, as directed under the heading "Consolidation of Weapons of Mass Destruction Defense Programs" in the accompanying report, not later than 180 days after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 17, after the dollar amount, insert "(reduced by \$50,000)".

Page 7, line 13, after the first dollar amount, insert "(increased by \$43,000)".

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

Mr. FLAKE. Mr. Chairman, this amendment is straightforward. It would reduce funding for the Office of the Secretary by \$50,000 and transfer a revenue neutral amount to the U.S. Customs and Border Protection salaries and expenses.

This is a nominal cut from the Secretary's nearly \$122 million in funding, again only slightly more than the committee provided for the Secretary to spend on receptions this year. I offer this amendment as a means of bringing up an important issue both to Congress and to the Secretary's attention.

Let me start by thanking the chairman and the ranking member for their attention to border issues in this bill, as well as the staff's assistance in bringing this amendment to the floor. In the report accompanying last year's Homeland Security appropriations bill, the committee directed the Department to provide a "resource allocation and staffing model for ports of entry." As would appear to be the trend with congressional requests for information, answers to these questions or budget documentation were never provided. The Department either failed to prioritize or simply ignored the request.

The committee report notes:

As the committee has not yet received the CBP workload staffing allocation model, the committee cannot assess CBP's identified needs.

As we are all no doubt aware, funding for border security efforts between the