

an age group with a high proportion of people needing medical devices.

The passage of this bill would send a dangerous message to other healthcare sectors who are contributing to the cost of comprehensive healthcare reform. Pharmaceutical companies, health insurance companies, skilled nursing facilities, laboratories, and home health providers have all taken on additional costs and taxes. We should be wary of setting a precedent that exempts one industry from its promised contributions, should other sectors then push for a similar repeal.

Supporters of this bill have also aligned themselves with small businesses; however, any tax relief would be siphoned off to large corporations. Industry analysts predict that the ten largest companies manufacturing medical devices, who in 2011 had net profits of \$48 billion, will pay 86 percent of this tax. The medical device industry is already very profitable, and the benefit of ten million new customers will outweigh the cost of the tax.

I would like to take an additional moment to address the Republicans' claims that this bill will stop job loss and decelerated innovation. There is currently no incentive for medical device companies to shift jobs overseas because the tax does not apply to devices sold to other nations. Moreover, devices imported into the United States are subject to the same 2.3 percent tax. This means that there will be no unfavorable advantage for foreign-manufactured devices in domestic markets, and there will be no added cost to selling American devices in the international market.

Mr. Speaker, I was an original supporter of President Obama's plan for healthcare reform, and I believe that H.R. 436 would only be a step backwards. I will vote against this legislation, and I urge my colleagues to do the same.

Mr. RAHALL. Mr. Speaker, I believe that changes to the Patient Protection and Affordable Care Act are necessary and have cosponsored and supported several bills in this Congress to amend the health care law before it takes full effect.

West Virginians—our working families, our seniors on fixed incomes, our small businesses—are looking for and deserve substantive action from the Congress to address rising health care costs and access to quality care and I regret that the only thing the House majority in this Congress has brought to the floor is a slew of bills purposely designed to generate gridlock and stall in the legislative process.

While I do not support this measure, I believe that the Congress has a responsibility to address the concerns that have been raised by health care providers and medical device manufacturers, and I hope that it will do so.

Mr. PRICE of North Carolina. Mr. Speaker, I will be voting against H.R. 436, not because I believe that the current tax on the device industry is perfect, but because I object to the politicization of the issue and the use of a fundamentally-flawed offset.

As one of their first acts upon taking the majority, House Republicans voted to repeal the Affordable Care Act. Since then, they have voted to dismantle the law piece by piece. Today, they are at it again, and instead of addressing industry concerns in a concise and targeted manner, the majority has crammed together a politically-motivated bill designed to stick it to the President. Don't just take my word for it. Compare the bill we have before

us today with the 1099 repeal law. Both deal with problematic revenue raisers included in the health reform law, but the 1099 repeal bill took a targeted approach that represented practical policymaking at its best. This effort is purely political, and the result is a legislative goody bag.

Moreover, while the 1099 bill's offset, a modification of the health insurance subsidy recapture cap, was a difficult pill to swallow, H.R. 436's offset is a poison pill. H.R. 436 would fully lift the cap, leading an estimated 350,000 people to forgo health insurance, according to the bipartisan Joint Committee on Taxation. These are working Americans earning between 133 and 400 percent of the federal poverty level. Why would the Majority ask working and middle income people to bear this burden alone? It is unacceptable.

As the representative from a part of our country known for its research and innovation, I fully understand the importance of the device industry. Medical devices have the potential to save and enrich the lives of Americans, and the companies that produce them are helping our economy recover by investing in new technology and providing high-paying, high-skilled jobs. Those companies also tried to be good actors in the health insurance reform debate. Like other industries, device companies understand that the skyrocketing cost of health care represents one of the greatest threats to families, small business owners, state and federal budgets, and the overall economy. Attempting to reverse this trend is one of the reasons Congress enacted the Affordable Care Act, and AdvaMed, the trade association representing medical device manufacturers, participated in the effort to ensure that the legislation would be deficit-neutral.

The final law brought the original \$40 billion levy on device manufacturers down to a \$20 billion contribution through a 2.3% excise tax on medical devices. However, as the ten-year budget window has shifted, industry reports that they expect to paying closer to \$29 billion. We need to monitor this carefully and find a fair solution that accounts for the additional business the device industry may acquire as a result of the Affordable Care Act, while underscoring the need to keep the industry vibrant and innovative. That is not the discussion we are having today, but I hope it is one House Republicans will be willing to have in the near future, and I stand ready to work with them to do just that.

Mr. YOUNG of Florida. Mr. Speaker, I am pleased to support the passage of H.R. 436, the Protect Medical Innovation Act of 2012, legislation I agreed to cosponsor last year aimed at repealing yet another harmful job-killing provision put into place by the President's controversial health care reform law. Unless Congress moves to repeal it, beginning in 2013, a 2.3 percent excise tax will be imposed on the sale of medical devices by manufacturers or importers across the country.

The medical device tax will increase the effective tax rate for many medical technology companies. Unfortunately, the tax would be collected on gross sales, not profits, meaning companies could end up owing more in taxes than they produce in profits. As a result, device companies, many of which are small, entrepreneurial firms, are expected to pass the cost of the tax onto consumers, lay off workers, or cut R&D. These actions are unacceptable for an industry currently employing tens

of thousands of Americans, as well as leading the way in innovation and scientific discovery. And in Florida, which is home to one of our nation's largest medical device economies, the impact of this excise tax would be particularly devastating in a state hit hard by the economic downturn.

Throughout the past year we have been listening to our local business owners who tell us the economy will not grow and new jobs will not be created until there is more certainty in our economy and more certainty in government fiscal and tax policies. H.R. 436 is a great first step in doing just that by permanently preventing the medical device tax from being implemented.

Mr. Speaker, I urge my colleagues in the United States Senate to follow our lead and quickly pass this legislation and send it to President Obama for his signature into law. Further delaying the effort to repeal this harmful tax will only lead to greater uncertainty throughout the medical technology sector, causing business owners to delay crucial decisions about long-term investment and expansion.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 679, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 436 is postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1621

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 4 o'clock and 21 minutes p.m.

HEALTH CARE COST REDUCTION ACT OF 2012

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. BISHOP of New York. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of New York. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of New York moves to recommit the bill H.R. 436 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Page 1, after line 8, insert the following:

(b) PROHIBITING TAX BENEFITS FOR COMPANIES THAT OUTSOURCE AMERICAN JOBS.—

(1) IN GENERAL.—The amendment made by subsection (a) shall not apply to any sale of a taxable medical device by the manufacturer, producer, or importer which outsourced American jobs during the testing period with respect to such sale.

(2) DETERMINATION OF OUTSOURCED AMERICAN JOBS.—For purposes of paragraph (1), American jobs are outsourced by a manufacturer, producer, or importer, as the case may be, during a testing period if the manufacturer, producer, or importer has fewer full-time equivalent employees in the United States on the last day of the testing period as compared to the first day of the testing period and has an increase in the full-time equivalent employees outside the United States on the last day of the testing period as compared to the first day of the testing period.

(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

(A) TESTING PERIOD.—The testing period with respect to a sale is the calendar year in which the date of sale occurs.

(B) EMPLOYEES OUTSIDE THE UNITED STATES.—An employee shall be treated as employed by the employer outside the United States whether employed directly or indirectly through a controlled foreign corporation (as defined in section 957) or a pass-through entity in which the taxpayer holds at least 50 percent of the capital or profits interest.

(C) EXCEPTION FOR EMPLOYEES SEPARATED VOLUNTARILY OR FOR CAUSE.—The number of full-time equivalent employees shall be determined without regard to any employee separated from employment voluntarily or for cause.

(4) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including regulations or guidance on employer aggregation, mergers and acquisitions, and dispositions of an employer and rules regarding the payment date for taxes owed if the offshoring occurs after the date of a sale.

Page 1, line 9, strike “(b)” and insert “(c)”.

Page 2, line 1, strike “(c)” and insert “(d)”.

Mr. BISHOP of New York (during the reading). Mr. Speaker, I ask unanimous consent to waive the reading.

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

Mr. PAUL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. PAULSEN. Mr. Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, this is the final and only amendment any Member has been given the opportunity to offer to this bill. It will not kill the bill or send it back to committee. If adopted, H.R. 436 will imme-

diately proceed to final passage as amended.

The amendment I offer is a simple, commonsense effort to discourage American employers from outsourcing American jobs. It conditions the repeal of the medical device tax on an employer keeping jobs in the United States. If a device manufacturer sends jobs overseas during a calendar year, then the repeal of the tax does not apply to that manufacturer for that year.

Both Democrats and Republicans want to create conditions that get American families back to work; both Democrats and Republicans agree that the Tax Code should discourage employers from shipping jobs overseas; and both Democrats and Republicans want American families to prosper and have the opportunity to achieve limitless possibilities. But we have different approaches to achieving that goal. While we have different approaches, I think all reasonable people can agree that the ultimate job destroyer is outsourcing.

I listened very carefully to the debate that took place on the underlying bill. Virtually every speaker on the Republican side of the aisle mentioned jobs, mentioned employment, mentioned job-killing regulations, job-killing taxes. I think the best way to kill a job isn't a regulation and it isn't a tax. The best way to kill a job and to kill American opportunity is to have that job done by someone overseas instead of by an American simply because it's cheaper to have that job done overseas.

This is an issue that weighs heavily on the minds of our constituents. A 2009 Harvard study found that half of all Americans are resentful of businesses that send jobs overseas, and over 80 percent have concern for their family's future due to outsourcing. No American should be fearful that their job will be shipped overseas, and this Congress should end those policies that provoke this anxiety.

The Tax Code still gives incentives to employers who create jobs in foreign countries rather than here at home. Our Republican colleagues rail against foreign aid, but isn't providing another country a job that an American could do the ultimate example of foreign aid?

I doubt we'll be able to eliminate outsourcing, but with this amendment, this Congress can discourage it. Adopting this amendment is our first step towards reforming our tax system in a way that benefits American businesses and American workers. Every time a U.S. business moves operations overseas, we lose opportunity, we lose economic growth, we lose competitiveness, and we lose desperately needed revenue necessary to reduce the deficit.

This bill was considered under a closed rule, so Republicans can't justify their opposition with the usual claim that Democrats are trying to subvert an open amendment process. An open amendment process simply

didn't exist for this bill. This time there is no hiding: Either you support American jobs for Americans or you don't.

I urge all Members to support this amendment and to protect American jobs.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Speaker, I withdraw my point of order and seek time in opposition.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

The gentleman from Minnesota is recognized for 5 minutes.

Mr. PAULSEN. Mr. Speaker, this motion is nothing more than a distraction from the real issue, and that is stopping a massive, job-killing tax increase from taking place on the medical device industry. The legislation before us today is a bipartisan initiative to repeal that tax and make health care more affordable for all Americans.

House Republicans want to reduce health care costs and make coverage more affordable for families who are struggling. Democrats clearly rammed through a one-size-fits-all health care law that has made health care more expensive, and now they're back at it again attempting to thwart efforts to bring down health care costs.

This is about saving American jobs. This industry is one of America's best success stories that accounts for about 423,000 jobs across the country. It's made up of America's best innovators, entrepreneurs, engineers, doctors, and risk-takers who are improving and saving lives. This will all change, Mr. Speaker, unless we stop this tax, a \$29 billion tax in just a little over 6 months that will cost this industry over tens of thousands of jobs, according to studies.

There's also two other important provisions that are in this legislation, Mr. Speaker. First of all, Congresswoman JENKINS' legislation that ensures that all families with an FSA or an HSA account can use their own health care dollars for their own health care needs for simple, over-the-counter medications without having to go to a doctor for a prescription. And we've also got Congressman BOUSTANY's legislation, which will allow flexible spending account participants to withdraw their own unused, hard-earned dollars at the end of the year.

□ 1630

Mr. Speaker, this legislation has 240 coauthors. It's bipartisanly supported. I urge rejection of the motion to recommit and support of the underlying legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. BISHOP of New York. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 179, nays 239, not voting 13, as follows:

[Roll No. 360]

YEAS—179

Ackerman	Gonzalez	Olver
Altmire	Green, Al	Owens
Andrews	Green, Gene	Pallone
Baca	Grijalva	Pascrell
Becerra	Gutierrez	Pastor (AZ)
Berkley	Hahn	Pelosi
Berman	Hanabusa	Perlmutter
Bishop (GA)	Heinrich	Peters
Bishop (NY)	Higgins	Peterson
Blumenauer	Himes	Pingree (ME)
Bonamici	Hinchey	Polis
Boswell	Hinojosa	Price (NC)
Brady (PA)	Hirono	Quigley
Braley (IA)	Hochul	Rahall
Brown (FL)	Holden	Rangel
Butterfield	Holt	Reyes
Capps	Honda	Richardson
Capuano	Hoyer	Richmond
Cardoza	Israel	Rothman (NJ)
Carahan	Jackson (IL)	Roybal-Allard
Carney	Jackson Lee	Ruppersberger
Carson (IN)	(TX)	Rush
Castor (FL)	Johnson (GA)	Ryan (OH)
Chandler	Johnson, E. B.	Sánchez, Linda
Chu	Jones	T.
Cicilline	Kaptur	Sanchez, Loretta
Clarke (MI)	Keating	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Clay	Kind	Schiff
Cleaver	Kissell	Schrader
Clyburn	Langevin	Schwartz
Cohen	Larsen (WA)	Scott (VA)
Connolly (VA)	Larson (CT)	Scott, David
Conyers	Lee (CA)	Serrano
Costa	Levin	Sewell
Costello	Lewis (GA)	Sherman
Courtney	Lipinski	Sires
Critz	Loeb sack	Smith (WA)
Crowley	Lofgren, Zoe	Speier
Cuellar	Lowey	Stark
Cummings	Luján	Sutton
Davis (CA)	Lynch	Thompson (CA)
Davis (IL)	Maloney	Thompson (MS)
DeFazio	Markey	Tierney
DeGette	Matsui	Tonko
DeLauro	McCarthy (NY)	Towns
Deutch	McCollum	Tsongas
Dicks	McDermott	Van Hollen
Dingell	McGovern	Velázquez
Doggett	McIntyre	Visclosky
Doyle	McNerney	Walz (MN)
Duncan (TN)	Meeks	Wasserman
Edwards	Michaud	Schultz
Ellison	Miller (NC)	Waters
Engel	Miller, George	Watt
Eshoo	Moore	Waxman
Farr	Moran	Welch
Fattah	Murphy (CT)	Wilson (FL)
Frank (MA)	Nadler	Woolsey
Fudge	Napolitano	Yarmuth
Garamendi	Neal	

NAYS—239

Adams	Blackburn	Carter
Aderholt	Bonner	Cassidy
Alexander	Bono Mack	Chabot
Amash	Boren	Chaffetz
Amodei	Boustany	Coffman (CO)
Austria	Brady (TX)	Cole
Bachmann	Brooks	Conaway
Bachus	Broun (GA)	Cooper
Barletta	Buchanan	Cravaack
Barrow	Buchson	Crawford
Bartlett	Buerkle	Crenshaw
Barton (TX)	Burgess	Culberson
Bass (NH)	Burton (IN)	Davis (KY)
Benishek	Calvert	Denham
Berg	Camp	Denny
Biggart	Campbell	DesJarlais
Bilbray	Canseco	Diaz-Balart
Bishop (UT)	Cantor	Dold
Black	Capito	Donnelly (IN)

Dreier	Kinzinger (IL)	Rivera
Duffy	Kline	Roby
Duncan (SC)	Labrador	Roe (TN)
Ellmers	Lamborn	Rogers (AL)
Emerson	Lance	Rogers (KY)
Farenthold	Landry	Rogers (MI)
Fincher	Lankford	Rohrabacher
Fitzpatrick	Latham	Rokita
Flake	LaTourette	Rooney
Fleischmann	Latta	Ros-Lehtinen
Fleming	LoBiondo	Roskam
Flores	Long	Ross (AR)
Forbes	Lucas	Ross (FL)
Fortenberry	Luetkemeyer	Royce
Fox	Lummis	Runyan
Franks (AZ)	Lungren, Daniel	Ryan (WI)
Frelinghuysen	E.	Scalise
Gallegly	Mack	Schilling
Gardner	Manzullo	Schmidt
Garrett	Marchant	Schock
Gerlach	Matheson	Schweikert
Gibbs	McCarthy (CA)	Scott (SC)
Gibson	McCaul	Scott, Austin
Grangley (GA)	McClintock	Sensenbrenner
Gohmert	McCotter	Sessions
Goodlatte	McHenry	Shimkus
Gosar	McKeon	Shuster
Gowdy	McKinley	Simpson
Granger	McMorris	Smith (NE)
Graves (GA)	Rodgers	Smith (NJ)
Graves (MO)	Meehan	Smith (TX)
Griffin (AR)	Mica	Southerland
Griffith (VA)	Miller (FL)	Stearns
Grimm	Miller (MI)	Stivers
Guinta	Miller, Gary	Stutzman
Guthrie	Mulvaney	Sullivan
Hall	Murphy (PA)	Terry
Hanna	Myrick	Thompson (PA)
Harper	Neugebauer	Thornberry
Harris	Noem	Tiberi
Hartzler	Nugent	Tipton
Hastings (WA)	Nunes	Turner (NY)
Hayworth	Nunnelee	Turner (OH)
Heck	Olson	Upton
Hensarling	Palazzo	Walberg
Herger	Paulsen	Walden
Herrera Beutler	Pearce	Walsh (IL)
Huelskamp	Pence	Webster
Huizenga (MI)	Petri	West
Hultgren	Pitts	Westmoreland
Hunter	Platts	Whitfield
Hurt	Poe (TX)	Wilson (SC)
Issa	Pompeo	Wittman
Jenkins	Posey	Wolf
Johnson (IL)	Price (GA)	Womack
Johnson (OH)	Quayle	Woodall
Johnson, Sam	Reed	Yoder
Jordan	Rehberg	Young (AK)
Kelly	Reichert	Young (FL)
King (IA)	Renacci	Young (IN)
King (NY)	Ribble	
Kingston	Rigell	

NOT VOTING—13

□ 1656

Messrs. HUNTER, SHIMKUS, and SCHOCK changed their vote from “yea” to “nay.”

Mr. CARNEY and Mr. DAVIS of Illinois changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 360, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 270, nays 146, not voting 15, as follows:

[Roll No. 361]

YEAS—270

Adams	Garrett	Miller (MI)
Aderholt	Gerlach	Miller, Gary
Alexander	Gibbs	Mulvaney
Altmire	Gibson	Murphy (PA)
Amash	Gingrey (GA)	Myrick
Amodei	Goodlatte	Neugebauer
Austria	Gosar	Noem
Bachmann	Gowdy	Nugent
Bachus	Granger	Nunes
Barletta	Graves (GA)	Nunnelee
Barrow	Graves (MO)	Olson
Bartlett	Griffin (AR)	Owens
Barton (TX)	Griffith (VA)	Palazzo
Bass (NH)	Grimm	Paulsen
Benishek	Guinta	Pearce
Berg	Guthrie	Pence
Biggart	Hall	Peterson
Bilbray	Hanna	Petri
Bishop (GA)	Harper	Pitts
Bishop (NY)	Harris	Platts
Bishop (UT)	Hartzler	Poe (TX)
Black	Hastings (WA)	Pompeo
Blackburn	Hayworth	Posey
Bonner	Heck	Price (GA)
Bono Mack	Hensarling	Quayle
Boren	Herger	Reed
Boswell	Herrera Beutler	Rehberg
Boustany	Higgins	Reichert
Brady (TX)	Hochul	Renacci
Brooks	Holden	Ribble
Broun (GA)	Huelskamp	Rigell
Buchanan	Huizenga (MI)	Rivera
Buchson	Hultgren	Roby
Buerkle	Hunter	Roe (TN)
Burgess	Hurt	Rogers (AL)
Burton (IN)	Issa	Rogers (KY)
Calvert	Jenkins	Rogers (MI)
Camp	Johnson (IL)	Rohrabacher
Canseco	Johnson (OH)	Rokita
Cantor	Johnson, Sam	Rooney
Capito	Jones	Ros-Lehtinen
Cassidy	Jordan	Roskam
Chabot	Keating	Ross (AR)
Chaffetz	Kelly	Ross (FL)
Chandler	Kind	Royce
Coffman (CO)	King (IA)	Runyan
Cole	King (NY)	Ryan (WI)
Conaway	Kingston	Scalise
Costa	Kinzinger (IL)	Schilling
Cravaack	Kissell	Schock
Crawford	Kline	Schweikert
Crenshaw	Labrador	Scott (SC)
Critz	Lamborn	Scott, Austin
Cuellar	Lance	Sensenbrenner
Culberson	Landry	Sessions
Davis (CA)	Lankford	Sewell
Davis (KY)	Latham	Shimkus
DeFazio	LaTourette	Shuster
Denham	Latta	Simpson
Dent	Lipinski	Smith (NE)
DesJarlais	LoBiondo	Smith (NJ)
Diaz-Balart	Loeb sack	Smith (TX)
Dold	Long	Southerland
Donnelly (IN)	Lucas	Speier
Dreier	Luetkemeyer	Stearns
Duffy	Lummis	Stivers
Duncan (SC)	Lungren, Daniel	Stutzman
Duncan (TN)	E.	Sullivan
Ellison	Mack	Sutton
Ellmers	Manzullo	Terry
Emerson	Marchant	Thompson (PA)
Farenthold	Matheson	Thornberry
Fincher	McCarthy (CA)	Tiberi
Fincher	McCarthy (NY)	Tipton
Fitzpatrick	McCaul	Tonko
Flake	McClintock	Tsongas
Fleischmann	McCollum	Turner (NY)
Fleming	McCotter	Turner (OH)
Flores	McHenry	Upton
Forbes	McIntyre	Walberg
Fortenberry	McKeon	Walden
Fox	McKinley	Walsh (IL)
Franks (AZ)	McMorris	Walz (MN)
Frelinghuysen	Rodgers	Webster
Gallegly	McNerney	West
Gardner	Meehan	Westmoreland
	Mica	Whitfield
	Miller (FL)	Wilson (SC)

Wittman
Wolf
Womack

Woodall
Yoder
Young (AK)

Young (FL)
Young (IN)

NAYS—146

Ackerman
Andrews
Baca
Becerra
Berkley
Berman
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gonzalez

Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Heinrich
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Kildee
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markley
Matsui
McDermott
McGovern
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascarell

Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Smith (WA)
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Viscosky
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—15

Akin
Baldwin
Bass (CA)
Bilirakis
Coble
Filner
Gohmert
Hastings (FL)
Kucinich
Lewis (CA)
Marino
Paul
Schmidt
Shuler
Slaughter

□ 1704

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 361, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

Mr. AKIN. Mr. Speaker, on rollcall No. 360 and 361, I was delayed and unable to vote. Had I been present I would have voted "no" on rollcall No. 360 and "aye" on rollcall No. 361.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2013

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5855 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except (1) pro forma amendments of-

fered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations or their respective designees for the purpose of debate; and (2) further amendments, if offered on this legislative day, as follows: an amendment by Mr. ADERHOLT regarding funding levels; an amendment en bloc by Mr. ADERHOLT consisting of amendments specified in this order not earlier disposed of; an amendment by Ms. BALDWIN limiting funds regarding Coast Guard Offshore Patrol Cutter class of ships; an amendment by Mr. BARLETTA regarding section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; an amendment by Mrs. BLACK limiting funds for the position of Public Advocate within U.S. Immigration and Customs Enforcement; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration employee training; an amendment by Mrs. BLACKBURN regarding Transportation Security Administration teams used in any operation; an amendment by Mr. BROOKS regarding section 133.21(b)(1) of title 19, Code of Federal Regulations; an amendment by Mr. BROUN of Georgia limiting funds for Behavior Detection Officers or the SPOT program; an amendment by Mr. BROUN of Georgia regarding the Screening Partnership Program; an amendment by Ms. BROWN of Florida regarding funding levels for U.S. Customs and Border Protection; an amendment by Mr. CRAVAACK limiting funds for security screening personnel; an amendment by Mr. CRAVAACK limiting funds to pay rent for storage of screening equipment; an amendment by Mr. CRAVAACK regarding section 236(c) of the Immigration and Nationality Act; an amendment by Mr. CROWLEY regarding India; an amendment by Mr. CULBERSON regarding the Immigration and Nationality Act; an amendment by Mr. DAVIS of Illinois regarding cybersecurity; an amendment by Mr. ELLISON regarding the Civil Rights Act of 1964; an amendment by Mr. ENGEL regarding light duty vehicles; an amendment by Mr. FLORES regarding section 526 of the Energy Independence and Security Act of 2007; an amendment by Mr. FORTENBERRY limiting funds to restrict airline passengers from recording; an amendment by Mr. GARRETT limiting funds for VIPR teams; an amendment by Mr. GRAVES of Missouri regarding the rule entitled Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives; an amendment by Ms. HOCHUL regarding unclaimed clothing; an amendment by Mr. HOLT limiting funds for aerial vehicles; an amendment by Mr. HOLT regarding scanning systems; an amendment by Mr. KING of Iowa regarding Department of Homeland Security policy documents; an amendment by Mr. KING of Iowa regarding Executive Order 13166; an amendment by Mr. LANDRY regarding aerial vehicles; an amendment by Mr. LOEBACK limiting funds to deny assistance obligated by FEMA; an

amendment by Mr. MEEHAN regarding Boko Haram; an amendment by Ms. MOORE regarding a pending application for status under the Immigration and Nationality Act; an amendment by Mr. MURPHY of Pennsylvania regarding a Federal Air Marshal Service office; an amendment by Mr. PIERLUISI regarding section 1301(a) of title 31, United States Code; an amendment by Mr. POLIS regarding an across-the-board reduction; an amendment by Mr. PRICE of Georgia regarding immigration laws; an amendment by Mr. RYAN of Ohio regarding visas; an amendment by Mr. SCHWEIKERT regarding the Secure Communities program; an amendment by Mr. SULLIVAN regarding section 287(g) of the Immigration and Nationality Act; an amendment by Mr. THOMPSON of California regarding deportation of certain aliens; an amendment by Mr. TURNER of New York regarding surface transportation security inspectors; and an amendment by Mr. WALSH of Illinois regarding software licenses; and that each such further amendment may be offered only by the Member named in this request or a designee, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and shall not be subject to amendment except that the chair and ranking minority member of the Committee on Appropriations (or their respective designees) each may offer one pro forma amendment for the purpose of debate; and that each further amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

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

There was no objection.

GENERAL LEAVE

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5855 and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore. 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 New Hampshire (Mr. BASS) kindly resume the chair.

□ 1715

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. BASS (Acting Chair) in the chair.