



One Hundred Fourteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

January 21, 2015

**COMMITTEE ACTION**

The Committee on Homeland Security met, pursuant to notice, in open markup session, a quorum being present, on Wednesday, January 21, 2015, in 311 Cannon House Office Building to consider the following measure: **H.R. 399**, (Mr. McCaul) To require the Secretary of Homeland Security to gain and maintain operational control of the international borders of the United States, and for other purposes. The “Secure Our Borders First Act”.

The Committee took the following actions:

A motion by Mr. King of New York to consider the bill as read, was **AGREED TO** by a recorded vote of 15 yeas and 8 nays (Roll No. 1). The vote was as follows:

| <b>Roll No. 1</b>            |                                   |
|------------------------------|-----------------------------------|
| <b>Yeas</b>                  | <b>Nays</b>                       |
| Mr. McCaul                   | Mr. Thompson of Mississippi       |
| Mr. King of New York         | Ms. Loretta Sanchez of California |
| Mr. Rogers of Alabama        | Mr. Langevin                      |
| Mrs. Miller of Michigan      | Mr. Payne                         |
| Mr. Duncan of South Carolina | Mr. Vela                          |
| Mr. Palazzo                  | Mrs. Watson Coleman               |
| Mr. Barletta                 | Miss Rice of New York             |
| Mr. Perry                    | Mrs. Torres                       |
| Mr. Clawson of Florida       |                                   |
| Mr. Katko                    |                                   |
| Mr. Hurd of Texas            |                                   |
| Mr. Carter of Georgia        |                                   |
| Mr. Walker                   |                                   |
| Mr. Loudermilk               |                                   |
| Mr. Ratcliffe                |                                   |
| <b>Total</b>                 |                                   |
| <b>15</b>                    | <b>8</b>                          |

A motion by Mr. King of New York to table the motion by Mr. Vela to, pursuant to House Rule XVI(4), refer H.R. 399 to the Subcommittee on Border and Maritime Security for consideration, was **AGREED TO** by a recorded vote of 15 yeas and 8 nays (Roll No. 2). The vote was as follows:

| <b>Roll No. 2</b>  |  |
|--|--|
| <b>Yeas</b>  | <b>Nays</b>  |
| Mr. McCaul<br>Mr. King of New York<br>Mr. Rogers of Alabama<br>Mrs. Miller of Michigan<br>Mr. Duncan of South Carolina<br>Mr. Palazzo<br>Mr. Barletta<br>Mr. Perry<br>Mr. Clawson of Florida<br>Mr. Katko<br>Mr. Hurd of Texas<br>Mr. Carter of Georgia<br>Mr. Walker<br>Mr. Loudermilk<br>Mr. Ratcliffe | Mr. Thompson of Mississippi<br>Ms. Loretta Sanchez of California<br>Mr. Langevin<br>Mr. Payne<br>Mr. Vela<br>Mrs. Watson Coleman<br>Miss Rice of New York<br>Mrs. Torres |
| <b>Total</b>   | <b>8</b>   |
| <b>15</b>  |  |

A motion by Mr. King of New York to table the motion by Ms. Loretta Sanchez of California to delay consideration of H.R. 399 until February 11, 2015, was AGREED TO by a recorded vote of 15 yeas and 8 nays (Roll No. 3). The vote was as follows:

| <b>Roll No. 3</b>  |  |
|--|--|
| <b>Yeas</b>  | <b>Nays</b>  |
| Mr. McCaul<br>Mr. King of New York<br>Mr. Rogers of Alabama<br>Mrs. Miller of Michigan<br>Mr. Duncan of South Carolina<br>Mr. Palazzo<br>Mr. Barletta<br>Mr. Perry<br>Mr. Clawson of Florida<br>Mr. Katko<br>Mr. Hurd of Texas<br>Mr. Carter of Georgia<br>Mr. Walker<br>Mr. Loudermilk<br>Mr. Ratcliffe | Mr. Thompson of Mississippi<br>Ms. Loretta Sanchez of California<br>Mr. Langevin<br>Mr. Payne<br>Mr. Vela<br>Mrs. Watson Coleman<br>Miss Rice of New York<br>Mrs. Torres |
| <b>Total</b>   | <b>8</b>   |
| <b>15</b>  |  |

H.R. 399, to require the Secretary of Homeland Security to gain and maintain operational control of the international borders of the United States, and for other purposes; was ordered to be reported to the House of Representatives with a favorable recommendation, as amended, by a recorded vote of 18 yeas and 12 nays (Roll No. 11). The vote was as follows:

| <b>Roll No. 11</b>           |                                   |
|------------------------------|-----------------------------------|
| <b>Yeas</b>                  | <b>Nays</b>                       |
| Mr. McCaul                   | Mr. Thompson of Mississippi       |
| Mr. Smith of Texas           | Ms. Loretta Sanchez of California |
| Mr. King of New York         | Ms. Jackson Lee                   |
| Mr. Rogers of Alabama        | Mr. Langevin                      |
| Mrs. Miller of Michigan      | Mr. Higgins                       |
| Mr. Duncan of South Carolina | Mr. Richmond                      |
| Mr. Marino                   | Mr. Keating                       |
| Mr. Palazzo                  | Mr. Payne                         |
| Mr. Barletta                 | Mr. Vela                          |
| Mr. Perry                    | Mrs. Watson Coleman               |
| Mr. Clawson of Florida       | Miss Rice of New York             |
| Mr. Katko                    | Mrs. Torres                       |
| Mr. Hurd of Texas            |                                   |
| Mr. Carter of Georgia        |                                   |
| Mr. Walker                   |                                   |
| Mr. Loudermilk               |                                   |
| Ms. McSally                  |                                   |
| Mr. Ratcliffe                |                                   |
| <b>Total</b>                 |                                   |
| <b>18</b>                    | <b>12</b>                         |

The following amendments were offered:

A motion by Mr. Rogers of Alabama to table the appeal of the ruling of the Chair by Mr. Thompson of Mississippi on the point of order Ms. Jackson Lee that the Amendment in the Nature of a Substitute offered by Mrs. Miller of Michigan violates Committee Rule V(A)(2)(b); was AGREED TO by a recorded vote of 18 yeas and 12 nays (Roll No. 4). The vote was as follows:

| <b>Roll No. 4</b>            |                                   |
|------------------------------|-----------------------------------|
| <b>Yeas</b>                  | <b>Nays</b>                       |
| Mr. McCaul                   | Mr. Thompson of Mississippi       |
| Mr. Smith of Texas           | Ms. Loretta Sanchez of California |
| Mr. King of New York         | Ms. Jackson Lee                   |
| Mr. Rogers of Alabama        | Mr. Langevin                      |
| Mrs. Miller of Michigan      | Mr. Higgins                       |
| Mr. Duncan of South Carolina | Mr. Richmond                      |
| Mr. Marino                   | Mr. Keating                       |

|   |  |
|---|--|
| Mr. Palazzo<br>Mr. Barletta<br>Mr. Perry<br>Mr. Clawson of Florida<br>Mr. Katko<br>Mr. Hurd of Texas<br>Mr. Carter of Georgia<br>Mr. Walker<br>Mr. Loudermilk<br>Ms. McSally<br>Mr. Ratcliffe | Mr. Payne<br>Mr. Vela<br>Mrs. Watson Coleman<br>Miss Rice of New York<br>Mrs. Torres |
| <b>Total</b>  | <b>18</b>  |
|   | <b>12</b>  |

An Amendment in the Nature of a Substitute to H.R. 399 offered by Mrs. Miller of Michigan (#1); was AGREED TO by a recorded vote of 18 yeas and 12 nays. The vote was as follows:

| <b>Roll No. 10</b>  |   |
|---|---|
| <b>Yeas</b>   | <b>Nays</b>   |
| Mr. McCaul<br>Mr. Smith of Texas<br>Mr. King of New York<br>Mr. Rogers of Alabama<br>Mrs. Miller of Michigan<br>Mr. Duncan of South Carolina<br>Mr. Marino<br>Mr. Palazzo<br>Mr. Barletta<br>Mr. Perry<br>Mr. Clawson of Florida<br>Mr. Katko<br>Mr. Hurd of Texas<br>Mr. Carter of Georgia<br>Mr. Walker<br>Mr. Loudermilk<br>Ms. McSally<br>Mr. Ratcliffe | Mr. Thompson of Mississippi<br>Ms. Loretta Sanchez of California<br>Ms. Jackson Lee<br>Mr. Langevin<br>Mr. Higgins<br>Mr. Richmond<br>Mr. Keating<br>Mr. Payne<br>Mr. Vela<br>Mrs. Watson Coleman<br>Miss Rice of New York<br>Mrs. Torres |
| <b>Total</b>  | <b>18</b>   |
|   | <b>12</b>   |

An amendment to the Amendment in the Nature of a Substitute to H.R. 399 offered by Ms. Loretta Sanchez of California (#1A); Page 81, line 9, strike paragraph (9) and insert a new paragraph (9) entitled "Operational Control".; was NOT AGREED TO by a recorded vote of 12 yeas and 18 nays (Roll No. 5). The vote was as follows:

| <b>Roll No. 5</b>   |   |
|---|---|
| <b>Yeas</b>   | <b>Nays</b>   |
| Mr. Thompson of Mississippi<br>Ms. Loretta Sanchez of California<br>Ms. Jackson Lee<br>Mr. Langevin<br>Mr. Higgins<br>Mr. Richmond<br>Mr. Keating<br>Mr. Payne<br>Mr. Vela<br>Mrs. Watson Coleman<br>Miss Rice of New York<br>Mrs. Torres | Mr. McCaul<br>Mr. Smith of Texas<br>Mr. King of New York<br>Mr. Rogers of Alabama<br>Mrs. Miller of Michigan<br>Mr. Duncan of South Carolina<br>Mr. Marino<br>Mr. Palazzo<br>Mr. Barletta<br>Mr. Perry<br>Mr. Clawson of Florida<br>Mr. Katko<br>Mr. Hurd of Texas<br>Mr. Carter of Georgia<br>Mr. Walker<br>Mr. Loudermilk<br>Ms. McSally<br>Mr. Ratcliffe |
| <b>Total</b>  | <b>12</b>   |
|   | <b>18</b>   |

An amendment to the Amendment in the Nature of a Substitute to H.R. 399 offered by Mr. Langevin (#1B); Strike section 13, redesignate the subsequent section accordingly, and conform the table of contents; was NOT AGREED TO by a recorded vote of 12 yeas and 18 nays (Roll No. 6). The vote was as follows:

| <b>Roll No. 6</b>   |   |
|---|---|
| <b>Yeas</b>   | <b>Nays</b>   |
| Mr. Thompson of Mississippi<br>Ms. Loretta Sanchez of California<br>Ms. Jackson Lee<br>Mr. Langevin<br>Mr. Higgins<br>Mr. Richmond<br>Mr. Keating<br>Mr. Payne<br>Mr. Vela<br>Mrs. Watson Coleman<br>Miss Rice of New York<br>Mrs. Torres | Mr. McCaul<br>Mr. Smith of Texas<br>Mr. King of New York<br>Mr. Rogers of Alabama<br>Mrs. Miller of Michigan<br>Mr. Duncan of South Carolina<br>Mr. Marino<br>Mr. Palazzo<br>Mr. Barletta<br>Mr. Perry<br>Mr. Clawson of Florida<br>Mr. Katko<br>Mr. Hurd of Texas<br>Mr. Carter of Georgia<br>Mr. Walker<br>Mr. Loudermilk |

|              |           |                              |
|--------------|-----------|------------------------------|
|              |           | Ms. McSally<br>Mr. Ratcliffe |
| <b>Total</b> | <b>12</b> | <b>18</b>                    |

An amendment to the Amendment in the Nature of a Substitute to H.R. 399 offered by Mr. Vela (#1C); In section 3, strike subsection (c).  
In section 3, redesignate subsections (d) through (q) as subsections (c) through (p), respectively, and conform all cross-references accordingly.; was NOT AGREED TO by a recorded vote of 12 yeas and 18 nays (Roll No. 7). The vote was as follows:

| <b>Roll No. 7</b>                 |           |                              |
|-----------------------------------|-----------|------------------------------|
| <b>Yeas</b>                       |           | <b>Nays</b>                  |
| Mr. Thompson of Mississippi       |           | Mr. McCaul                   |
| Ms. Loretta Sanchez of California |           | Mr. Smith of Texas           |
| Ms. Jackson Lee                   |           | Mr. King of New York         |
| Mr. Langevin                      |           | Mr. Rogers of Alabama        |
| Mr. Higgins                       |           | Mrs. Miller of Michigan      |
| Mr. Richmond                      |           | Mr. Duncan of South Carolina |
| Mr. Keating                       |           | Mr. Marino                   |
| Mr. Payne                         |           | Mr. Palazzo                  |
| Mr. Vela                          |           | Mr. Barletta                 |
| Mrs. Watson Coleman               |           | Mr. Perry                    |
| Miss Rice of New York             |           | Mr. Clawson of Florida       |
| Mrs. Torres                       |           | Mr. Katko                    |
|                                   |           | Mr. Hurd of Texas            |
|                                   |           | Mr. Carter of Georgia        |
|                                   |           | Mr. Walker                   |
|                                   |           | Mr. Loudermilk               |
|                                   |           | Ms. McSally                  |
|                                   |           | Mr. Ratcliffe                |
| <b>Total</b>                      | <b>12</b> | <b>18</b>                    |

An amendment to the Amendment in the Nature of a Substitute to H.R. 399 offered by Ms. Jackson Lee (#1D); Page 51, line 9, strike “The Chief of the Border Patrol” and insert “The Secretary of Homeland Security in consultation with the Commissioner for U.S. Customs and Border Protection and the Chief of the Border Patrol”.; was NOT AGREED TO by a recorded vote of 12 yeas and 18 nays (Roll No. 8). The vote was as follows:

| <b>Roll No. 8</b>                 |  |                       |
|-----------------------------------|--|-----------------------|
| <b>Yeas</b>                       |  | <b>Nays</b>           |
| Mr. Thompson of Mississippi       |  | Mr. McCaul            |
| Ms. Loretta Sanchez of California |  | Mr. Smith of Texas    |
| Ms. Jackson Lee                   |  | Mr. King of New York  |
| Mr. Langevin                      |  | Mr. Rogers of Alabama |

|  |  |
|--|--|
| Mr. Higgins<br>Mr. Richmond<br>Mr. Keating<br>Mr. Payne<br>Mr. Vela<br>Mrs. Watson Coleman<br>Miss Rice of New York<br>Mrs. Torres | Mrs. Miller of Michigan<br>Mr. Duncan of South Carolina<br>Mr. Marino<br>Mr. Palazzo<br>Mr. Barletta<br>Mr. Perry<br>Mr. Clawson of Florida<br>Mr. Katko<br>Mr. Hurd of Texas<br>Mr. Carter of Georgia<br>Mr. Walker<br>Mr. Loudermilk<br>Ms. McSally<br>Mr. Ratcliffe |
| <b>Total</b>   | <b>12</b>  |
|  | <b>18</b>  |

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Higgins (#1E); In section 14, add at the end a new subclause entitled “(k) Rule of Construction.”; was NOT AGREED TO by a recorded vote of 12 yeas and 18 nays (Roll No. 9). The vote was as follows:

| <b>Roll No. 9</b>   |   |
|---|---|
| <b>Yeas</b>   | <b>Nays</b>   |
| Mr. Thompson of Mississippi<br>Ms. Loretta Sanchez of California<br>Ms. Jackson Lee<br>Mr. Langevin<br>Mr. Higgins<br>Mr. Richmond<br>Mr. Keating<br>Mr. Payne<br>Mr. Vela<br>Mrs. Watson Coleman<br>Miss Rice of New York<br>Mrs. Torres | Mr. McCaul<br>Mr. Smith of Texas<br>Mr. King of New York<br>Mr. Rogers of Alabama<br>Mrs. Miller of Michigan<br>Mr. Duncan of South Carolina<br>Mr. Marino<br>Mr. Palazzo<br>Mr. Barletta<br>Mr. Perry<br>Mr. Clawson of Florida<br>Mr. Katko<br>Mr. Hurd of Texas<br>Mr. Carter of Georgia<br>Mr. Walker<br>Mr. Loudermilk<br>Ms. McSally<br>Mr. Ratcliffe |
| <b>Total</b>  | <b>12</b>   |
|   | <b>18</b>   |

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 399.

A motion by Mrs. Miller of Michigan that, pursuant to Rule XXII, clause 1, the Committee authorizes the Chair to offer such motions as may be necessary in the House to go to conference with the Senate on H.R. 399, was NOT OBJECTED TO.

A motion by Mr. Thompson of Mississippi that, pursuant to Rule XI clause 2(1), Members may have two days in which to file any supplemental, minority, additional, or dissenting views on H.R. 399, was NOT OBJECTED TO.

