



HR 4567

Department of Homeland Security Appropriations Act, 2005

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Economics and Public Finance

Introduced: Jun 15, 2004

Current Status: Became Public Law No: 108-334.

Latest Action: Became Public Law No: 108-334. (Oct 18, 2004)

Law: 108-334 (Enacted Oct 18, 2004)

Official Text: https://www.congress.gov/bill/108th-congress/house-bill/4567

**Sponsor** 

Name: Rep. Rogers, Harold [R-KY-5]

Party: Republican • State: KY • Chamber: House

Cosponsors

No cosponsors are listed for this bill.

## **Committee Activity**

Committee	Chamber	Activity	Date
Appropriations Committee	House	Reported Original Measure	Jun 15, 2004

# **Subjects & Policy Tags**

### **Policy Area:**

Economics and Public Finance

#### **Related Bills**

Bill	Relationship	Last Action
108 S 2537	Companion bill	<b>Sep 14, 2004:</b> Senate passed companion measure H.R. 4567 in lieu of this measure by Yea-Nay Vote. 93 - 0. Record Vote Number: 184.
108 HRES 675	Procedurally related	Jun 16, 2004: Motion to reconsider laid on the table Agreed to without objection.

(This measure has not been amended since the Conference Report was filed in the House on October 9, 2004. The summary of that version is repeated here.)

Department of Homeland Security Appropriations Act, 2005 - **Title I: Departmental Management and Operations** - Makes appropriations for the Department of Homeland Security (DHS) for FY 2005 for: (1) the Office of the Secretary of Homeland Security and executive management; (2) the Office of the Under Secretary for Management; (3) the Office of the Chief Financial Officer; (4) the Office of the Chief Information Officer; and (5) the Office of Inspector General.

Title II: Security, Enforcement, and Investigations - Makes appropriations for: (1) the Office of the Under Secretary for Border and Transportation Security, including for development of the U.S. Visitor and Immigrant Status Indicator Technology project; (2) customs and border protection, including for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports and for customs and border protection automated systems; (3) immigration and customs laws enforcement, including for Federal air marshals, the Federal Protective Service, and immigration and customs enforcement automated systems; (4) the Transportation Security Administration (TSA) for civil aviation security services, including for passenger and baggage screening activities (with funds earmarked for procurement and installation of checked baggage explosive detection systems and for airport security direction and enforcement presence), maritime and land transportation security grants and services, and intelligence activities; (5) the Coast Guard; and (6) the Secret Service. Provides for a Government Accountability Office (GAO) review of calendar year 2000 cost information for screening air passengers and property and directs the Secretary of DHS to ensure that appropriate fees that were not paid to the TSA by an air carrier or foreign air carrier are collected. Requires the Secretary of Homeland Security to submit to Congress, in conjunction with the President's FY 2006 budget, acquisition timelines and justifications for assets in the Deepwater (Coast Guard recapitalization) program.

Title III: Preparedness and Recovery - Makes appropriations for: (1) the Office for State and Local Government Coordination and Preparedness, including for grants to State and local governments for terrorism prevention activities (sets forth allocations for formula-based grants, law enforcement terrorism prevention grants, discretionary grants for use in high-threat, high density urban areas), firefighter assistance grants, and emergency management performance grants; (2) reimbursement of Federal agencies for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism; and (3) emergency preparedness and response, including for the Office of the Under Secretary for Emergency Preparedness and Response, the Directorate of Emergency Preparedness and Response, countering potential biological, disease, and chemical threats to civilian populations, disaster relief, the disaster assistance direct loan program, the Flood Map Modernization Fund, the National Flood Insurance Fund, the National Flood Mitigation Fund, the National Pre-Disaster Mitigation Fund, and an emergency food and shelter program. Limits the aggregate charges assessed during FY 2005 for the Radiological Emergency Preparedness Program.

**Title IV: Research and Development, Training, Assessments, and Services** - Makes appropriations for: (1) citizenship and immigration services for backlog reduction activities; (2) the Federal Law Enforcement Training Center; (3) the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for activities of the Directorate of Information Analysis and Infrastructure Protection; (4) the immediate Office of the Under Secretary for Science and Technology; and (5) science and technology research.

**Title V: General Provisions** - (Sec. 503) Prohibits certain reprogramming of DHS funds, including for creating or eliminating a program or for contracting out or privatizing activities presently performed by Federal employees, unless the

Senate and House Appropriations Committees are notified 15 days in advance.

(Sec. 505) Deems funds made available by this Act for intelligence activities to be specifically authorized by Congress during FY 2005 until the enactment of an Act authorizing intelligence activities for FY 2005.

(Sec. 506) Directs the Federal Law Enforcement Training Center to establish an accrediting body to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

(Sec. 513) Directs the Secretary: (1) to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible; (2) until such technology is procured and installed, to take actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft; (3) to amend Security Directives and programs to triple the percentage of cargo inspected on passenger aircraft.

(Sec. 514) Requires the Commandant of the Coast Guard to provide to Congress each year a list of approved by unfunded Coast Guard priorities and the funds needed for such priorities.

(Sec. 515) States that unclaimed money recovered at airport security checkpoints shall be retained by the TSA and expended for civil aviation security purposes.

(Sec. 518) Transfers authority for conducting background investigations for specified DHS positions from the Office of Personnel Management to the DHS.

(Sec. 519) Amends the Homeland Security Act to provide for the termination of the Homeland Security Institute five years after its establishment.

(Sec. 522) Prohibits the obligation of funds for deployment or implementation, on other than a test basis, of the Computer Assisted Passenger Prescreening System (CAPPS II) or Secure Flight or other successor programs that TSA or any other DHS component plans to utilize to screen aviation passengers until GAO has reported to the Appropriations Committees that specified conditions have been met, including that: (1) a system of due process exists whereby aviation passengers who are delayed or prohibited from boarding their flights may appeal such decision; (2) the Secretary has established an internal oversight board; (3) security measures are in place to protect the system from unauthorized access; and (4) there are no specific privacy concerns with the technological architecture of the system. Prohibits the use of funds provided in this or previous appropriations Acts to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists. Directs GAO to report to Congress by March 28, 2005.

(Sec. 523) Modifies provisions of the Homeland Security Act regarding the prohibition on contracts with corporate expatriates to: (1) prohibit the Secretary from entering into any contract with any subsidiary of a foreign incorporated entity which is treated as an inverted domestic corporation; (2) apply such prohibition to entities that converted to an inverted domestic corporation before, on, or after (currently, after) November 25, 2002; and (3) permit the Secretary to waive such prohibition in the interest of national security (currently, in the interest of homeland security).

(Sec. 524) Prohibits the use of funds made available in this Act to amend the oath of allegiance required under the Immigration and Nationality Act.

(Sec. 527) Prohibits the use of funds appropriated by this Act to process or approve a competition under Office of Management and Budget Circular A-76, for services provided as of June 1, 2004, by employees of Citizenship and Immigration Services who are known as Immigration Information Officers, Contact Representatives, or Investigative

## Assistants.

(Sec. 528) Provides that no funds under this Act shall be available to maintain the Secret Service as anything but a distinct entity within the DHS and shall not be used to merge the Secret Service with any other DHS function, cause any personnel and operational elements of the Secret Service to report to an individual other than the Director of the Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

#### **Actions Timeline**

- Oct 18, 2004: Signed by President.
- Oct 18, 2004: Signed by President.
- Oct 18, 2004: Became Public Law No: 108-334.
- Oct 18, 2004: Became Public Law No: 108-334.
- Oct 13, 2004: Presented to President.
- Oct 13, 2004: Presented to President.
- Oct 12, 2004: Message on Senate action sent to the House.
- Oct 11, 2004: Cloture motion on the conference report to accompany H.R. 4567 withdrawn by unanimous consent in Senate.
- Oct 11, 2004: Conference report agreed to in Senate: Senate agreed to conference report by Voice Vote.(consideration: CR S11229-11232)
- Oct 11, 2004: Senate agreed to conference report by Voice Vote. (consideration: CR S11229-11232)
- Oct 9, 2004: Conference report filed: Conference report H. Rept. 108-774 filed.(text of conference report: CR H9125-9162)
- Oct 9, 2004: Conference report H. Rept. 108-774 filed. (text of conference report: CR H9125-9162)
- Oct 9, 2004: ORDER OF BUSINESS Mr. Rogers asked unanimous consent that it be in order at any time to consider a conference report to accompany H.R. 4567; that the conference report be considered as read; and that all points of order against the conference report and against its consideration be waived. Agreed to without objection.
- Oct 9, 2004: Mr. Rogers (KY) brought up conference report H. Rept. 108-774 by previously agreed to special order. (consideration: CR H9162-9174)
- Oct 9, 2004: DEBATE The House proceeded with one hour of debate on the conference report to accompany H.R. 4567.
- Oct 9, 2004: The previous question was ordered without objection. (consideration: CR H9174)
- Oct 9, 2004: POSTPONED VOTE At the conclusion of debate on the conference report, the Chair put the question on adoption of the conference report and announced that, under the rule, the yeas and nays were ordered. Subsequently, the Chair postponed further proceedings on the ordered vote until later in the legislative day.
- Oct 9, 2004: Conference committee actions: Conferees agreed to file conference report.
- Oct 9, 2004: Conferees agreed to file conference report.
- Oct 9, 2004: The House proceeded to consider the conference report H.Rept. 108-774 as unfinished business. (consideration: CR H9176-9177)
- Oct 9, 2004: Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 368 0 (Roll no. 530).
- Oct 9, 2004: Motions to reconsider laid on the table Agreed to without objection.
- Oct 9, 2004: On agreeing to the conference report Agreed to by the Yeas and Nays: 368 0 (Roll no. 530).
- Oct 9, 2004: Conference papers: message on House action held at the desk in Senate.
- Oct 9, 2004: Motion to proceed to consideration of conference report agreed to in Senate by Unanimous Consent.
- Oct 9, 2004: Conference report considered in Senate by motion. (consideration: CR S10979)
- Oct 9, 2004: Cloture motion on the conference report to accompany H.R. 4567 presented in Senate. (consideration: CR S10979)
- Oct 7, 2004: Mr. Rogers (KY) asked unanimous consent that the House disagree to the Senate amendment, and agree to a conference. (consideration: CR 10/8/2004 H8645)
- Oct 7, 2004: On motion that the House disagree to the Senate amendment, and agree to a conference Agreed to without objection.
- Oct 7, 2004: Mr. Sabo moved that the House instruct conferees. (consideration: CR H8645-8649; text: H8645)
- Oct 7, 2004: DEBATE The House proceeded with one hour of debate on the Sabo motion to instruct conferees on H.R. 4567. The instructions contained in the motion seek to require the managers on the part of the House to insist on inclusion of the highest possible level of funding for each homeland security, first responder, domestic preparedness, emergency management performance grant, fire grant, flood map, and disaster mitigation program within Titles II and III
- Oct 7, 2004: The previous question was ordered without objection. (consideration: CR H8648)
- Oct 7, 2004: On motion that the House instruct conferees Agreed to by the Yeas and Nays: 395 16 (Roll no. 502).

- Oct 7, 2004: Motion to reconsider laid on the table Agreed to without objection.
- Oct 7, 2004: The Speaker appointed conferees: Rogers (KY), Young (FL), Wolf, Wamp, Latham, Emerson, Granger, Sweeney, Sherwood, Sabo, Price (NC), Serrano, Roybal-Allard, Berry, Mollohan, and Obey.
- Oct 7, 2004: Conference committee actions: Conference held.
- Oct 7, 2004: Conference held.
- Oct 5, 2004: Message on Senate action sent to the House.
- Sep 30, 2004: Message received in Senate: Returned to Senate pursuant to the request of the Senate.
- Sep 21, 2004: Message on Senate action sent to the House.
- Sep 20, 2004: Senate requests return of papers with respect to H.R. 4567 by Unanimous Consent.
- Sep 17, 2004: Message on Senate action sent to the House.
- Sep 14, 2004: Considered by Senate. (consideration: CR S9167-9213)
- Sep 14, 2004: Passed/agreed to in Senate: Passed Senate in lieu of S. 2537 with an amendment by Yea-Nay Vote. 93 0. Record Vote Number: 184.(text: CR 9/15/2004 S9306-9315)
- Sep 14, 2004: Passed Senate in lieu of S. 2537 with an amendment by Yea-Nay Vote. 93 0. Record Vote Number: 184. (text: CR 9/15/2004 S9306-9315)
- Sep 14, 2004: Senate insists on its amendment, asks for a conference, appoints conferees Cochran; Stevens; Specter; Domenici; McConnell; Shelby; Gregg; Campbell; Craig; Byrd; Inouye; Hollings; Leahy; Harkin; Mikulski; Kohl; Murray.
- Sep 13, 2004: Considered by Senate. (consideration: CR S9108-9120)
- Sep 10, 2004: Considered by Senate. (consideration: CR S9049-9063)
- Sep 9, 2004: Considered by Senate. (consideration: CR S8986-9020)
- Sep 8, 2004: Measure laid before Senate by unanimous consent. (consideration: CR S8933-8934, S8934-8955)
- Sep 8, 2004: Senate struck all after the Enacting Clause and substituted the language of S. 2537.
- Jun 21, 2004: Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 588.
- Jun 18, 2004: Committee of the Whole House on the state of the Union rises leaving H.R. 4567 as unfinished business.
- Jun 18, 2004: Considered as unfinished business. (consideration: CR H4510-4560; text of Title III as reported in House: CR H4513; text of Title IV as reported in House: CR H4516-4518, H4518-4519)
- Jun 18, 2004: The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Jackson-Lee amendment under the five-minute rule.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Loretta Sanchez (CA) amendment under the five-minute rule.
- Jun 18, 2004: Mr. LaTourette raised a point of order against the content of the measure. Page 31 line 11 beginning with "Provided further" through "funds" on line 15 changes existing law and constitutes legislation in an appropriations bill. The Chair sustained the point of order. (consideration: CR H4513)
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Sabo amendment under the five-minute rule.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Jackson-Lee amendment under the five-minute rule.
- Jun 18, 2004: POSTPONED PROCEEDINGS At the conclusion of debate on the Jackson-Lee amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Jackson-Lee demanded a recorded vote. Pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- Jun 18, 2004: Mr. Mica raised a point of order against the content of the measure. Sec. 524 page 47, line 6 beginning with "and the" through line 13. Seeks to change existing law and constitutes legislation in an appropriations bill. The Chair sustained the point of order. (consideration: CR H4518)
- Jun 18, 2004: Mr. Davis, Tom raised a point of order against the content of the measure. Sec. 512 subsection b and c, sec. 514, and sec. 525 on the grounds that it seeks to change existing law and constitutes legislation in an appropriations bill. The Chair sustained the point of order. (consideration: CR H4518)
- Jun 18, 2004: Mr. Davis, Tom raised a point of order against the content of the measure. Sec. 526b which seeks to change exisiting law and constitutes legislation in an appropriations bill. The Chair sustained the point of order.

(consideration: CR H4519)

- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Millender-McDonald amendment under the five-minute rule.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the DeLauro amendment under the five-minute rule.
- Jun 18, 2004: TIME LIMITATION Mr. Latham asked unanimous consent that debate on the DeLauro amendment and any amendment thereto be limited to forty minutes equally divided and controlled. Agreed to without objection.
- Jun 18, 2004: POSTPONED PROCEEDINGS At the conclusion of debate on the Delauro amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Delauro demanded a recorded vote and made a point of no quorum. Pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day and the point of no quorum was considered as withdrawn.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Roybal-Allard amendment under the five minute rule.
- Jun 18, 2004: POSTPONED PROCEEDINGS At the conclusion of debate on the Roybal- Allard amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Roybal-Allard demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in thelegislative day.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Ryun (KS) amendment under the five minute rule.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Tancredo amendment under the five minute rule.
- Jun 18, 2004: POSTPONED PROCEEDINGS At the conclusion of debate on the Tancredo amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Tancredo demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Maloney amendment under the five minute rule.
- Jun 18, 2004: POSTPONED PROCEEDINGS At the conclusion of debate on the Maloney amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mrs. Maloney demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Sabo amendment under the five minute rule.
- Jun 18, 2004: POSTPONED PROCEEDINGS At the conclusion of debate on the Sabo amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Sabo demanded a recorded vote and made a point of no quorum. Pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day and the point of no quorum was considered as withdrawn.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Obey amendment under the five minute rule.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Markey amendment under the five minute rule
- Jun 18, 2004: POSTPONED PROCEEDINGS At the conclusion of debate on the Markey amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Shays demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the King (IA) amendment under the five-minute rule.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Sherman amendment under the five-minute rule.
- Jun 18, 2004: DEBATE The Committee of the Whole proceeded with debate on the Velazquez amendment under the five-minute rule.
- Jun 18, 2004: POSTPONED PROCEEDINGS At the conclusion of debate on the Velazquez amendment, the Chair

put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Velazquez demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.

- Jun 18, 2004: UNFINISHED BUSINESS The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- Jun 18, 2004: The House rose from the Committee of the Whole House on the state of the Union to report H.R. 4567.
- Jun 18, 2004: The previous question was ordered pursuant to the rule. (consideration: CR H4559)
- Jun 18, 2004: Passed/agreed to in House: On passage Passed by the Yeas and Nays: 400 5 (Roll no. 275).
- Jun 18, 2004: On passage Passed by the Yeas and Nays: 400 5 (Roll no. 275).
- Jun 18, 2004: Motion to reconsider laid on the table Agreed to without objection.
- Jun 17, 2004: Considered under the provisions of rule H. Res. 675. (consideration: CR 6/18/2004 H4465-4504; text of Title I as reported in House: CR 6/18/2004 H4478, H4481; text of Title II as reported in House: CR 6/18/2004 H4481-4483, H4487, H4488-4489; text of Title III as reported in House: 6/18/2004 CR H4489)
- Jun 17, 2004: Rule provides for consideration of H.R. 4567 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is open to amendments.
- Jun 17, 2004: House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 675 and Rule XVIII.
- Jun 17, 2004: The Speaker designated the Honorable Paul E. Gillmor to act as Chairman of the Committee.
- Jun 17, 2004: GENERAL DEBATE The Committee of the Whole proceeded with one hour of general debate on H.R. 4567.
- Jun 17, 2004: DEBATE The Committee of the Whole proceeded with debate on the Weldon (PA) amendment under the five-minute rule.
- Jun 17, 2004: DEBATE The Committee of the Whole proceeded with debate on the Turner (TX) amendment under the five minute rule.
- Jun 17, 2004: DEBATE The Committee of the Whole proceeded with debate on the Stupak amendment under the five minute rule.
- Jun 17, 2004: Mr. Mica raised a point of order against the content of the measure. Proviso on page 14, beginning on line 9 through line 19 seeks to change existing law and constitutes legislation in an appropriations bill. The Chair sustained the point of order. (consideration: CR 6/18/2004 H4483)
- Jun 17, 2004: DEBATE The Committee of the Whole proceeded with debate on the Defazio amendment under the five minute rule.
- Jun 17, 2004: POSTPONED PROCEEDINGS At the conclusion of debate on the Defazio amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Defazio demanded a recorded vote and made a point of no quorum. Pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day and the point of no quorum was considered as withdrawn.
- Jun 17, 2004: DEBATE The Committee of the Whole proceeded with debate on the Simmons amendment under the five minute rule.
- Jun 17, 2004: Mr. Fossella raised a point of order against the content of the measure. Proviso on page 22, lines 24 and 25 supercedes existing law and constitutes legislation in an appropriations bill. The Chair sustained the point of order. (consideration: CR 6/18/2004 H4489)
- Jun 17, 2004: DEBATE The Committee of the Whole proceeded with debate on the Sweeney amendment under the five minute rule.
- Jun 16, 2004: Rule H. Res. 675 passed House.
- Jun 15, 2004: Introduced in House
- Jun 15, 2004: The House Committee on Appropriations reported an original measure, H. Rept. 108-541, by Mr. Rogers (KY).
- Jun 15, 2004: The House Committee on Appropriations reported an original measure, H. Rept. 108-541, by Mr. Rogers (KY).
- Jun 15, 2004: Placed on the Union Calendar, Calendar No. 313.
- Jun 15, 2004: Rules Committee Resolution H. Res. 675 Reported to House. Rule provides for consideration of H.R. 4567 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is open to amendments.