

PROVIDING FOR CONSIDERATION OF H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

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JUNE 15, 2004.—Referred to the House Calendar and ordered to be printed

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Mr. LINCOLN DIAZ-BALART, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 675]

The Committee on Rules, having had under consideration House Resolution 675 by a record vote of 7 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4567, the Department of Homeland Security Appropriations Act for fiscal year 2005, under an open rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill.

Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record.

Finally, the rule provides one motion to recommit with or without instructions.

The waiver of all points of order against consideration of the bill includes a waiver of clause 4(c) of rule XIII (requiring the three-day availability of printed hearings on a general appropriation bill). The waiver of clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill) is need-

ed because there are numerous legislative provisions included in the bill.

#### COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 273*

Date: June 15, 2004.

Measure: H.R. 4567—Department of Homeland Security Appropriations Act, 2005.

Motion by: Mr. Frost.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Obey which provides an additional \$3 billion for homeland security programs, contingent upon the President's request. This funding could be used to do the following: (1) put more air marshals on flights; (2) put more radiation and surveillance monitors at our borders and ports; (3) increase surveillance on our transit systems and make other transit security improvements; (4) increase surveillance by local police of critical infrastructure facilities; (5) improve the ability of our police and firefighters to communicate with each other; (6) inspect additional containers coming into the U.S.; (7) increase air patrols of our borders; (8) increase border inspectors and agents; (9) improve the aviation explosive screening system; (10) increase our stockpile of antibiotics.

Results: Defeated 4 to 6.

Vote by Members: Linder—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

##### *Rules Committee record vote No. 274*

Date: June 15, 2004.

Measure: H.R. 4567—Department of Homeland Security Appropriations Act, 2005.

Motion by: Mr. Frost.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Turner which dedicates \$25 million in existing appropriations for joint research and development between DHS and U.S. private companies and Israeli counterparts, subject to matching Israeli funds. These joint programs would allow DHS to leverage significant and long-standing expertise in homeland security science and technology and share the costs of research and development.

Results: Defeated 4 to 6.

Vote by Members: Linder—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

##### *Rules Committee record vote No. 275*

Date: June 15, 2004.

Measure: H.R. 4567—Department of Homeland Security Appropriations Act, 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To waive all points of order against Section 526(b) of H.R. 4567.

Results: Defeated 4 to 6.

Vote by Members: Linder—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 276*

Date: June 15, 2004.

Measure: H.R. 4567—Department of Homeland Security Appropriations Act, 2005.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Manzullo which makes the provisions of the “Berry Amendment” applicable to the Department of Homeland Security. Currently, the “Berry Amendment” applies only to the Department of Defense’s procurement and requires, with exception, that certain listed articles and items purchased by the Defense Department be grown, reprocessed, reused, or produced in the United States.

Results: Defeated 5 to 6.

Vote by Members: Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Yea; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 277*

Date: June 15, 2004.

Measure: H.R. 4567—Department of Homeland Security Appropriations Act, 2005.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Sabo which mandates that the Department of Homeland Security require vulnerability assessments and security plans from chemical plants deemed by the Department to be of the highest risk.

Results: Defeated 4 to 7.

Vote by Members: Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 278*

Date: June 15, 2004.

Measure: H.R. 4567—Department of Homeland Security Appropriations Act, 2005.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Turner which designates \$204,000,000 in funding for radiation portal monitors as an emergency requirement. Protecting America from the danger of weapons of mass destruction or dangerous material entering the U.S. should be a priority. Our security could be greatly enhanced if all of our border crossings, seaports, air cargo and rail facilities had radiation portal monitors installed. Customs and Bor-

der Protection has a plan to install portal monitors at these locations resulting in 100% of incoming cargo to be screened for nuclear or radiological materials by December 2005. An additional 204,000,000 would complete this plan before the December 2005 deadline.

Results: Defeated 4 to 7.

Vote by Members: Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee record vote No. 279*

Date: June 15, 2004.

Measure: H.R. 4567—Department of Homeland Security Appropriations Act, 2005.

Motion by: Mr. Linder.

Summary of motion: To report the resolution.

Results: Agreed to 7 to 4.

Vote by Members: Linder—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Myrick—Yea; Sessions—Yea; Reynolds—Yea; Frost—Nay; Slaughter—Nay; McGovern—Nay; Hastings (FL)—Nay; Dreier—Yea.