

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2346) MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009, AND FOR OTHER PURPOSES

MAY 13, 2009.—Referred to the House Calendar and ordered to be printed

Mr. PERLMUTTER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 434]

The Committee on Rules, having had under consideration House Resolution 434, by a non-record vote, 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. 2346, the “Supplemental Appropriations Act, 2009,” under a closed rule. The resolution provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The resolution provides that the amendment printed in this report shall be considered as adopted. The resolution provides that the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). Finally, the resolution provides one motion to recommit the bill with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except those arising under clause 9 or 10 of rule XXI) includes a waiver of: (1) clause 4(a) of rule XIII (requiring a three-day layover of the committee report), (2) clause 4(c) of rule XIII (requiring a three-day layover of printed committee hearings), and (3) section 306 of the Budget Act (regarding provisions within the jurisdiction of the Budget Committee).

The waiver of all points of order against the bill, as amended, includes a waiver of clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill) because the bill, as amended, contains unauthorized appropriations and legislative provisions.

COMMITTEE VOTES

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. 91

Date: May 13, 2009.

Measure: H.R. 2346.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Wolf (VA), #11, which would place a moratorium on the transfer or release of detainees until October 1, 2009, and require a plan for each detainee to be transferred or released into the United States.

Results: Defeated 1–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Slaughter—Nay.

Rules Committee record vote No. 92

Date: May 13, 2009.

Measure: H.R. 2346.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Biggert (IL), #7, which would increase the across-the-board military personnel pay raise from 3.9% to 4.4% effective retroactively from January 1, 2009.

Results: Defeated 1–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Slaughter—Nay.

Rules Committee record vote No. 93

Date: May 13, 2009.

Measure: H.R. 2346.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Lewis, Jerry (CA), #13, which would revise the language relating to the Pakistan Counterinsurgency Fund so that the language in the bill would be consistent with the language and manner in which the President requested these funds.

Results: Defeated 1–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Slaughter—Nay.

Rules Committee record vote No. 94

Date: May 13, 2009.

Measure: H.R. 2346.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Kingston (GA), #1, which would bar funds to enter into a contract with an entity that is eligible to participate, but has not elected to participate in the E-Verify Program.

Results: Defeated 1–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Slaughter—Nay.

Rules Committee record vote No. 95

Date: May 13, 2009.

Measure: H.R. 2346.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Rogers, Harold (KY), #14, which would shift \$200 million in the bill away from foreign assistance and put it toward various U.S. Federal, State and local law enforcement agencies and border security programs to combat Mexican drug cartels and border violence along the U.S. border.

Results: Defeated 1–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Slaughter—Nay.

Rules Committee record vote No. 96

Date: May 13, 2009.

Measure: H.R. 2346.

Motion by: Mr. Dreier.

Summary of motion: To grant an open rule.

Results: Defeated 1–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Slaughter—Nay.

TEXT OF AMENDMENT CONSIDERED AS ADOPTED

Page 72, after line 18, insert the following (and redesignate the subsequent section accordingly):

RESTRICTIONS AND REQUIREMENTS REGARDING THE TRANSFER AND
RELEASE OF GUANTANAMO BAY DETAINEES

SEC. 30004. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April, 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia.

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of April, 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, for the purposes of detaining or prosecuting such individual until 2 months after the plan detailed in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April, 30, 2009, at Naval Station, Guantanamo Bay, Cuba, who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.