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U.S. GOVERNMENT
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111TH CONGRESS
*1st Session*
HOUSE OF REPRESENTATIVES
REPORT
111–20

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1105) MAKING OMNIBUS APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009, AND FOR OTHER PURPOSES

FEBRUARY 24, 2009.—Referred to the House Calendar and ordered to be printed

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

# R E P O R T

[To accompany H. Res. 184]

The Committee on Rules, having had under consideration House Resolution 184, by a nonrecord 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. 1105, the "Omnibus 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 and that the bill, as amended, shall be considered as read. The resolution waives all points of order against the bill, as amended. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The resolution provides one motion to recommit with or without instructions. Finally, the resolution lays on the table House Resolution 158.

## EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) includes a waiver of Section 302(f) of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocation of such authority. Although the rule waives all points of order against the bill, as amended, the Committee is not aware of any points of order against the bill, as amended. The waiver is prophylactic.

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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. 28*

Date: February 24, 2009.
Measure: H.R. 1105.
Motion by: Mr. Diaz-Balart.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Diaz-Balart, Lincoln (FL), #11, which would strike the section providing general license for travel to, from, or within Cuba for the marketing and sale of agricultural and medical goods, and would strike a section prohibiting the use of funds to administer, implement or enforce federal regulations on family travel to Cuba and the sale of agricultural goods to Cuba.
Results: Defeated 4–7.
Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 29*

Date: February 24, 2009.
Measure: H.R. 1105.
Motion by: Mr. Diaz-Balart.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Diaz-Balart, Lincoln (FL), #10, which would increase funding for Cuba democracy assistance programs by $20 million, offsetting such funds from the general State Department budget.
Results: Defeated 4–7.
Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 30*

Date: February 24, 2009.
Measure: H.R. 1105.
Motion by: Mr. Diaz-Balart.
Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Pence, Mike (IN), #4, which would prohibit the use of funds to be used by the Federal Communications Commission to implement the Fairness Doctrine, as repealed in General Fairness Doctrine Obligations of Broadcast Licensees or any other regulations having the same substances.
Results: Defeated 4–7.
Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 31*

Date: February 24, 2009.
Measure: H.R. 1105.
Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Dent, Charles (PA), #17, which would provide that the total amount of discretionary appropriations provided in the FY2009 Omnibus Appropriations Act shall not exceed the FY08 funding levels by more than the percentage increase in the Consumer Price Index for All Urban Consumers during 2008 which amounts to 3.8%.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 32*

Date: February 24, 2009.

Measure: H.R. 1105.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Schmidt, Jean (OH), #19, which would modify Department of Energy loan guarantee requirements pertaining to nuclear energy.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 33*

Date: February 24, 2009.

Measure: H.R. 1105.

Motion by: Dr. Foxx.

Summary of motion: To make in order en bloc and provide appropriate waivers for an amendment by Rep. Smith, Christopher (NJ), #12, which would require consistent application of the provision against funding for organizations that, as determined by the President, support or participate in the management of a program of coercive abortion or involuntary sterilization; and an amendment by Rep. Smith, Christopher (NJ), #13, which would limit population assistance to organizations that do not provide abortion or lobby for the legalization of abortion.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

*Rules Committee record vote No. 34*

Date: February 24, 2009.

Measure: H.R. 1105.

Motion by: Dr. Foxx.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Goodlatte, Bob (VA), #6, which would prevent funds in the bill from being used to exercise the power of eminent domain to take private property from a private entity and give that property to another private entity, except for certain enumerated uses, such as highways, prisons, public utilities, and in cases of national emergencies or national disasters declared by the President.

Results: Defeated 4–7.

Vote by Members: McGovern—Nay; Matsui—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Dreier—Yea; Diaz-Balart—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

The amendment would block the automatic cost-of-living adjustment due to be provided to Members of Congress in 2010.

TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Page 1122, after line 5, add the following:

SEC. 103. Notwithstanding any provision of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the percentage adjustment scheduled to take effect under any such provision in calendar year 2010 shall not take effect.

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